

Title 18

ZONING

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ZONING

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DIVISION I.

ZONING

Chapter 18.02

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18.02.010 Title and purpose. This title shall be known as and may be cited and referred to as the "Sand City zoning ordinance." (Ord. 84-1 §1-1, 1984)

18.02.020 Establishment of zoning districts. The zoning regulations set out in this title consist of the establishment of various zoning districts within the city, within which it shall be lawful only to erect, construct, alter or maintain certain buildings or to conduct certain uses of land or of buildings; within which certain open spaces shall be required about future buildings; and consisting further of appropriate regulations to be enforced in such districts, all as set forth in the ordinance codified in this title. (Ord. 84-1 §1-2, 1984)

18.02.030 Minimum standards specified. In their interpretation and application, the provisions of this title shall be held to minimum requirements. Where this title imposes a greater restriction than is imposed or required by other rules or regulations or ordinances of the city, the provisions of this title shall control. (Ord. 84-1 §1-3, 1984)

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18.04.005 Purpose. Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this title, and words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used"; and the word "shall" is mandatory and not directory. The words "section" and "article" refer to the sections and article of this code. (Ord. 84-1 §2-1, 1984)

18.04.010 Access. "Access" means the provision of public pedestrian access from a public thoroughfare to and along the shoreline. (Ord. 84-1 §2-2, 1984)

18.04.01 Access, Bluff top. "Bluff-top access" means a path or trail located along the top of a coastal bluff. (Ord. 84-1 §2-3, 1984)

18.04.020 Access, lateral. "Lateral access" means continuous access along the beach parallel to the mean high tide line. (Ord. 84-1 §2-4, 1984)

18.04.025 Access, vertical. "Vertical access" means a path or trail which connects the nearest public roadway with a shoreline destination via a reasonably direct route. (Ord. 84-1 §2-5, 1984)

18.04.030 Accessory use or structure. "Accessory use" or "accessory structure"

means a use or structure subordinate to the principal use of a building on the same premises and serving a purpose customarily incidental to the use of the principal buildings. (Ord. 84-1 §2-6, 1984)

18.04.035 Agent of owner. "Agent of owner" means any person who, by affidavit filed with the planning department, furnishes written proof of such agency. (Ord. 84-1 §2-7, 1984)

18.04.040 Aggrieved person. "Aggrieved person" means, for the purposes of a coastal development permit appeal, any person who, in person or through a representative, appeared at a public hearing of the city council in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing informed the city council of the nature of his concerns or who for good cause was unable to do either. (Ord. 84-1 §2-8, 1984)

18.04.045 Alley or lane. "Alley" or "lane" means a public or private right-of-way, not more than twenty feet wide, affording only secondary means of access to abutting property. (Ord. 84-1 §2-9, 1984)

18.04.050 Archaeological resources. "Archaeological resources" means material remains of past human life and activities. Examples of material remains are fossil relics, artifacts and monuments. (Ord. 84-1 §2-10, 1984)

18.04.055 Automobile repair, major. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; or three (3) or more employees.(Ord. 88-3 §1, 1988; Ord. 84-1 §2-11, 1984)

18.04.060 Automobile repair, minor. Upholstering and motor tune-up service limited to changing or supplementing of vehicle fluids and the adjustment of mechanical components to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation named under "automobile repair, major," or any other repair similar thereto; or a maximum of two (2) employees. (Ord. 88-3 §1, 1988; Ord. 84-1 §2-12, 1984)

18.04.065 Automobile or trailer sales area. "Automobile or trailer sales area" means an open area, other than a street, used for display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done. (Ord. 84-1 §2-13, 1984)

18.04.070 Automobile service station. "Automobile service station" means a place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises. Repair

service shall be incidental and no storage or parking space shall be offered for rent. (Ord. 84-1 §2-14, 1984)

18.04.075 Automobile wrecking. "Automobile wrecking" means the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles for their parts. (Ord. 84-1 §2-15, 1984)

18.04.080 Bakery. "Bakery" means a retail sales facility which offers bakery products for sale to the public and which, as an accessory use, may include the preparation of products normally sold in bakeries for sale on the premises. This use shall not permit the preparation of bakery products for sale at other locations, drive-in sales facilities or facilities that permit consumption of food on the premises. (Ord. 84-1 §2-16, 1984)

18.04.085 Beginning of construction. "Beginning of construction" means the incorporation of labor and material within the foundation of the building or buildings. (Ord. 84-1 §2-17, 1984)

18.04.090 Biological survey and habitat protection plan. "Biological survey and habitat protection plan" means a field survey conducted by a qualified biologist or agency hired by the applicant and subsequent protection plan for any development proposed within a resource management zone district, a habitat preserve, or for dune relocation/restoration areas as specified in the Local Coastal Land Use Plan. (Ord. 84-1 §2-18, 1984)

18.04.091 Single Price point Retail Use and Price Point Retail Use. "Single Price Retail Use" and "Price Point Retail Use" means and refers to a retail store that sells merchandise with a preponderance of single pricing for all items in the store. Merchandise may be but is not limited to generic or private label products specially manufactured for such stores, products manufactured cheaply for a foreign market and imported, products purchases from another retailer or distributor as overstock closeout or seasonal merchandise at the end of the season, and promotional goods manufactured to coincide with an event that has since past. (Ord. 10-01, § 2-3, 2010)

18.04.095 Boardinghouse or lodging house. "Boardinghouse" or "lodging house" means a dwelling or part thereof where meals and/or lodging are provided, for compensation, for five or more persons not transients. (Ord. 84-1 §2-19, 1984)

18.04.100 Buffer. "Buffer" means an area of land separating two distinct land uses, such as residential and industrial or residential and commercial, which acts to soften or reduce the effect of one land use on another. For instance, landscaping is sometimes used to buffer or reduce the effects of a commercial area on nearby residential units. (Ord. 84-1 §2-20, 1984)

18.04.105 Building. "Building" means any structure having a roof supported by columns or walls. (Ord. 84-1 §2-21, 1984)

18.04.110 Building, height of. "Height of building" means the vertical distance from the average contact ground level at the front wall of the building to the highest point of the building, excluding chimneys and other building accessories. (Ord. 84-1 §2-22, 1984)

18.04.115 Building, main. "Main building" means a building in which is conducted the principal use of the site on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the building site upon which the same is located. (Ord. 84-1 §2-23, 1984)

18.04.120 Carport. "Carport" means a covered structure used as a private garage and open on portions of at least two sides, one of which shall be for vehicle entry. All exposed internal carport wall or panel surfaces shall be finished. Any structure used, or designed for use, for the storage or shelter of motor vehicles, and not falling under this definition, shall be considered to be a garage and shall be equipped with a garage door. (Ord. 84-1 §2-24, 1984)

18.04.125 City council or council. "City council" or council" means the council of the city of Sand City, California. (Ord. 84-1 §2-25, 1984)

18.04.130 Cluster development.

"Cluster development" means a method of development in which many dwelling units are placed close together or attached, usually for the purpose of retaining another area in open space. Many condominium and townhouse developments utilize this method when they are adjacent to a natural area to be retained, or when they wish to create a focal point (such as a swimming pool or community complex). (Ord. 84-1 §2-26, 1984)

18.04.135 Coastal bluff. "Coastal bluff" means a natural high bank or bold headland with a broad precipice, almost perpendicular, sometimes rounded cliff face overlooking the ocean, subject to coastal erosional processes. Vertical relief must be ten feet or more in height. (Ord. 84-1 §2-27, 1984)

18.04.140 Coastal-dependent development or use. "Coastal-dependent development or use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all. (Ord. 84-1 §2-28, 1984)

18.04.145 Coastal development. "Coastal development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste;

grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of any structure ' including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting. (Ord. 84-1 §2-29, 1984)

18.04.150 Coastal development permit. "Coastal development permit" means a permit for any development within the coastal zone. (Ord. 84-1 §2-30, 1984)

18.04.155 Coastal emergency. "Coastal emergency" means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. (Ord. 84-1 §2-31, 1984)

18.04.160 Coastal zone. "Coastal zone" means an area within the jurisdiction of the California Coastal Act. The zone includes all of Sand City west of Highway 1, a strip of land two hundred feet wide east of Highway 1, Southern Pacific Railroad's right-of-way and one hundred feet west of the right-of-way. (Ord. 84-1 §2-32, 1984)

18.04.165 Coastal zone structure. "Coastal zone structure" means a building or other facility including but not limited to any road, retaining wall, pipe, flume, conduit, siphon, aqueduct, telephone line, electrical power transmission or distribution line. (Ord. 84-1 §2-33, 1984)

18.04.170 Combination zone. Combination zones are zones which are superimposed over other zones and which either add further requirements or replace certain requirements of the underlying zone. (Ord. 84-1 §2-34, 1984)

18.04.175 Communications equipment building. "Communications equipment building" means a building housing electrical and mechanical communication equipment and the administrative staff necessary for the conduct of a public communications business and open only to personnel necessary for the operation and maintenance of such equipment and administrative functions. (Ord. 84-1 §2-35, 1984)

18.04.177 Residential Care Facility. A place where non-medical care and supervision is given to six (6) or fewer individuals that are primarily mentally, physically, and/or developmentally disabled, and are in need of a supportive living environment. These Facilities must be approved by the State of California, with live-in supervision by State-licensed individuals." (Ord 07-04, 2007)

18.04.180 Conditional use. "Conditional use" means any use authorized only by a conditional use permit, as provided in this title. (Ord. 84-1 §2-36, 1984)

18.04.185 Court. "Court" means an open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings. (Ord. 84-1 §2-37, 1984)

18.04.190 Creamery. "Creamery" means a retail sales facility which offers dairy products in bulk for sale to the public and which, as an accessory use, may include the making of ice cream for sale on the premises. This use shall not include drive-in sales facilities, the preparation of ice cream for sale at other locations, facilities that process or package dairy products other than ice cream, or facilities that permit consumption of food on the premises. (Ord. 84-1 §2-38, 1984)

18.04.195 Department store. "Department store" means a store or group of shops under unified management, selling a variety of merchandise, normally including clothing, appliances, hardware, furniture, etc. (Ord. 84-1 §2-39, 1984)

18.04.200 Design storm wave run-up. "Design storm wave run-up" means the run-up distance expected above the mean high water mark based on the design wave conditions, combining local winds and open ocean storms. The design wave shall be based on significant wave heights, which are the average of the highest one third wave heights characteristic of the area. (Ord. 84-1 §2-40, 1984)

18.04.205 Distance between residential structures. "Distance between residential structures" means the shortest horizontal distance measured between the vertical walls of two residential structures, as defined in this chapter, perpendicular to an axis, midway between such walls. Regulations which limit the minimum permitted distance between structures apply only to buildings or structures that are located on a single lot or premises. (Ord. 84-1 §2-41, 1984)

18.04.210 District. "District" means a portion of the territory of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title. Where certain uses are required to be a specified distance from "any R district" district shall include any portion thereof designated for future residential uses in the general plan. (Ord. 84-1 §2-42, 1984)

18.04.215 Drive-in restaurant, refreshment stand and sidewalk cafe. A drive-in restaurant or refreshment stand is any facility where food or beverages are consumed upon the premises other than in a building or other enclosed area and where self-service by customers is permitted. A sidewalk cafe is any facility where food or beverages are consumed upon the premises other than in a building or other enclosed structure, but where table service is offered and no self-service by

customers is permitted. (Ord. 84-1 §2-43, 1984)

18.04.220 Dwelling. "Dwelling" means any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or mobile home.

A. "Single-family dwelling" means a building designed for or used exclusively for residence purposes by one family.

B. "Two family dwelling" or "duplex" means a building designed for or used exclusively for residence purposes by two families.

C. "Multiple dwelling" means a building or portion thereof designed for or used exclusively for residence purposes by three or more families. (Ord. 84-1 §2-44, 1984)

18.04.225 Dwelling group. "Dwelling group" means a group of two or more detached single, duplex or multiple dwellings, located on a parcel of land in one ownership. (Ord. 84-1 §2-46, 1984)

18.04.230 Dwelling unit. "Dwelling unit" means one room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette. (Ord. 84-1 §2-45, 1984)

18.04.235 Environmentally sensitive habitat area. "Environmentally sensitive habitat area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and developments. (Ord. 84-1 §2-47, 1984)

18.04.240 Essential services. "Essential services" means the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. (Ord. 84-1 §2-48, 1984)

18.04.241 Extreme Value Retail Use. "Extreme Value Retail Use" means and refers to retail store offering more than seventy percent (70%) of a diversified inventory for ten dollars (\$10.00) or less. (Ord. 10-01 §2-1, 2010)

18.04.245 Family. "Family" means a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boardinghouse, lodging house, motel or hotel, fraternity or sorority house. (Ord. 84-1 §2-49, 1984)

18.04.250 Feasible. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. (Ord. 84-1 §2-50, 1984)

18.04.255 Fence or wall. "Fence" or "wall" means a vertical barrier which supports no load other than its own weight and which is designed to delimit an area or limit access or visibility into such area. (Ord. 84-1 §2-51, 1984)

18.04.260 Garage, private. "Private garage" means a detached accessory building or a portion of the principal building used only for the storage of passenger vehicles or trailers by the families resident upon the premises. (Ord. 84-1 §2-52, 1984)

18.04.265 Garage, public. "Public garage" means a structure or portion thereof, other than a private garage, used for the storage, sale, care, repair or refinishing of self-propelled vehicles or trailers. (Ord. 84-1 §2-53, 1984)

18.04.270 General plan. "General plan" means the general plan for the city as adopted by the council, and as amended from time to time. (Ord. 84-1 §2-54, 1984)

18.04.275 Hedge. "Hedge" means any plant, trees or shrubs planted in a continuous line to form a dense thicket or barrier. (Ord. 84-1 §2-55, 1984)

18.04.280 Home occupation. "Home occupation" means any use conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is residential in nature, is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part. Such use shall not create additional traffic, require additional parking space, involve employment of persons other than domestic help, involve the use of mechanical equipment other than that necessary for normal domestic purposes, or involve the indoor or outdoor storage of materials, equipment or supplies other than that necessary for normal domestic purposes. Clinics, barber- shops, cosmetology establishments, business and professional offices and retail or wholesale dealerships involving the storing of more than fifty pounds of merchandise on the premises shall not be deemed to be home occupations. (Ord. 84-1 §2-56, 1984)

18.04.285 Household pets. "House- hold pets" means any domestic animal normally owned or kept as a pet, including cats, dogs, rabbits, ducks, hens, raccoons, parrots, pigeons and other animals deemed by the council to be appropriate as

domestic pets; provided such animals are confined to the limits of the residential property occupied by the owner of such pets. Household pets shall not include any animals or birds maintained for commercial purposes, whether or not such animal or bird may be appropriate as a domestic pet. (Ord. 84-1 §2-57, 1984)

18.04.290 Kennel. "Kennel" means any premises where five or more dogs, ten weeks in age or older, are kept. (Ord. 84-1 §2-58, 1984)

18.04.295 Laundry and dry cleaning pickup station. "Laundry and dry cleaning pickup station" means a retail personal service facility not including dry cleaning or laundry operations on the premises; provided, however, that laundrettes and self-service dry cleaning facilities containing equipment used solely by customers, and approved by proper authority for use solely by customers, shall be included in this definition. (Ord. 84-1 §2-59, 1984)

18.04.300 Laundry, dry cleaning and dyeing plant. "Laundry, dry cleaning and dyeing plant" means a heavy commercial facility which includes laundering, dry cleaning or dyeing, or all of such operations, on a major scale and to which customer pickup and delivery on the premises is an accessory use subordinate to the laundering, dry cleaning or dyeing operation. (Ord. 84-1 §2-61, 1984)

18.04.305 Laundry, dry cleaning or dyeing establishment. "Laundry, dry cleaning or dyeing establishment" means a retail service facility which may include laundering, dry cleaning and/or dyeing of goods received at and picked up at such location by customers. This use shall not include major plants for the uses mentioned, or facilities in which a major portion of receipt and delivery of such goods is not through personal contact with customers. (Ord. 84-1 §2-60, 1984)

18.04.310 Local Coastal Implementation Plan. "Local Coastal Implementation Plan" means that report, adopted by the city council and certified by the State Coastal Commission, which describes the various administrative and legal procedures, ordinances, regulations and other actions to be pursued to carry out the Local Coastal Land Use Plan. (Ord. 84-1 §2-62, 1984)

18.04.315 Local Coastal Land Use Plan. "Local Coastal Land Use Plan" means that report, adopted by the city council and certified by the State Coastal Commission, which, in response to the Coastal Act of 1976 becomes part of the city's general plan and contains maps, public access component policies and other resource and land use policies and guidelines for the city's coastal zone. (Ord. 84-1 §2-63, 1984)

18.04.320 Local Coastal Program. "Local Coastal Program" means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps and

(d) other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, the Coastal Act at the local level. The abbreviation for the Local Coastal Program is LCP. (Ord. 84-1 §2-64, 1984)

18.04.325 Lot. "Lot" means a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this title, and having frontage on or access to an improved and accepted public street. (Ord. 84-1 §2-65(part), 1984)

18.04.330 Lot area. "Lot area" means the computed area contained within the lot lines. (Ord. 84-1 §2-65(f), 1984)

18.04.335 Lot, corner. "Corner lot" means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five degrees. The point of intersection of the street right-of-way lines or the extension of such lines to a point, is the "corner." (Ord. 84-1 §2-65(a), 1984)

18.04.340 Lot depth. "Lot depth" means the mean horizontal distance between the front and rear lot lines. (Ord. 84-1 §2-65(c), 1984)

18.04.345 Lot, interior. "Interior lot" means a lot other than a corner lot. (Ord. 84-1 §2-65(b), 1984)

18.04.350 Lot lines. "Lot lines" means the property lines bounding a lot as follows:

A. "Exterior lot line" means any lot line separating a lot from a street to which that lot has legal access.

1. "Front lot line" means the shortest exterior lot line on any lot.
2. "Side street lot line" means any exterior lot line other than the front lot line (corner lot).

B. "Interior lot line" means any lot line not an exterior lot line.

1. "Rear lot line" means the interior lot line opposite and most distant from the front lot line.
2. "Side lot line" means any interior lot line other than the rear lot line.
3. "Alley lot line" means any lot line separating a lot from an alley. (Ord. 84-1 §2-

65(d), 1984)

18.04.355 Lot width. "Lot width" means the mean width of the lot measured at right angles to its depth. (Ord. 84-1 §2-65(e), 1984)

18.04.360 Major energy facility. "Major energy facility" means, within the coastal zone, any public or private processing, producing, generating, storing, transmitting or receiving facility for electricity, natural gas, petroleum, coal or other source of energy for which the estimated construction costs exceed twenty-five thousand dollars. (Ord. 84-1 §2-66, 1984)

18.04.365 Major public works facility. "Major public works facility" means, in the coastal zone, any public works project located within an area for which coastal development permits are appealable, and that cost more than twenty-five thousand dollars, except where service by a public agency is required to protect life and public property from imminent danger, or to restore, repair or maintain public works, utilities or services destroyed, damaged, or interrupted by natural disaster or serious accident. (Ord. 84-1 §2-67, 1984)

18.04.370 Mobile home. "Mobile home" means any standard make of trailer or mobile home equipped and constructed in such a manner as to permit permanent occupancy thereof as living quarters for a family. In general, any trailer over seventeen feet in length may be considered a mobile home; provided, that such trailer complies with all applicable laws and regulations controlling the design, construction, equipment or occupancy thereof. An independent mobile home is a mobile home equipped with toilet, washbasin, and shower or bathtub and the necessary equipment to permit connection with city utility lines including water, electricity and sanitary sewer. A dependent mobile home is a mobile home that lacks any of the facilities required above in an independent mobile home. (Ord. 84-1 §2-68, 1984)

18.04.375 Motel or motor hotel. "Motel" or "motor hotel" means a building or group of buildings comprising individual sleeping or living units for the accommodation of transient guests. (Ord. 84-1 §2-69, 1984)

18.04.380 Nonconforming use. "Nonconforming use" means a building, structure or premises legally existing and/or used at the time of adoption of the ordinance codified in this title or any amendment thereto, which such building, structure or premises is not in full conformity with the use regulations of the district in which same is located; provided, however, that a use shall not be considered a nonconforming use solely on the basis of an inadequate number of parking spaces. (Ord. 84-1 §2-70, 1984)

18.04.381 Odd-lot/Close-out Retail Use. "Odd lot/Close Out Retail Use" means

and refers to a retail store offering the preponderance of its products at a price which is marked down more than forty-percent (40%) from normal retail price because the goods are irregular, or as a result of manufacturing over-production, an overflow of product shipments or manufacturers' close-outs. (Ord. 10-01 §2-3, 2010)

18.04.385 Office, administrative and executive. "Administrative and executive offices" means those offices, organizationally part of a larger operation, which are engaged in general administration, supervision, purchasing, accounting or other management functions. (Ord. 84-1 §2-71, 1984)

18.04.390 Office, business. "Business office" means a place of business providing a service of general administration, including, and of the same general character as a real estate and insurance agency, accounting firm, business consultant, stenographic service, but not including wholesale or retail activities involving stock-in-trade on the premises. (Ord. 84-1 §2-72, 1984)

18.04.395 Office, medical. "Medical office" means an office where medical and health services are provided to individuals by physicians, surgeons, dentists, psychologists, psychiatrists, optometrists, chiropractors, licensed physical therapists and persons practicing related professions, but not including medical and dental laboratories and clinics. (Ord. 84-1 §2-73, 1984)

18.04.400 Office, professional. "Professional office" means an office which deals primarily in professional services such as surveying, engineering, architecture, planning and law, but not including medical offices. (Ord. 84-1 §2-74, 1984)

18.04.405 Parking area, private. "Private parking area" means an open area for the same uses as a private garage. (Ord. 84-1 §2-75, 1984)

18.04.410 Parking area, public. "Public parking area" means an open area, other than a street or other publicway, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers. (Ord. 84-1 §2-76, 1984)

18.04.415 Parking space. "Parking space" means a permanently surfaced area for the parking of a motor vehicle. Such space shall not measure less than eight and one-half feet by nineteen feet and shall contain not less than one hundred sixty-one and one-half square feet, excluding paved area necessary for access and maneuvering. A compact space is eight and one-half feet by sixteen feet. (Ord. 84-1 §2-77, 1984)

18.04.420 Parking layout. "Parking layout" means the area required to maneuver and provide access to and from any parking space, driveway and aisle. (Ord. 84-1

52-78, 1984)

18.04.425 Performance standards. "Performance standards" means regulations for the control of "dangerous or objectionable elements." (Ord. 84-1 §2-79, 1984)

18.04.430 Pharmacy. "Pharmacy" means any facility used primarily for the purpose of compounding and dispensing medical prescriptions. (Ord. 84-1 §2-80, 1984)

18.04.435 Planned unit develop-ment. "Planned unit development" means a form of development usually characterized by a unified site design for a number of housing units, clustering buildings and providing common open space, density increases and a mix of building types and land uses. (Ord. 84-1 §2-81, 1984)

18.04.440 Premises. "Premises" refers to any lot or parcel or any group of lots or parcels and all improvements thereon which are generally, but not necessarily, under single ownership. The term is inclusive rather than exclusive and shall be interpreted broadly. (Ord. 84-1 §2-82, 1984)

18.04.445 Public and quasi-public uses. "Public uses" and "quasi-public uses" means those uses open to the general public which are maintained and supported by public or nonprofit agencies or organizations, communications equipment buildings, and other public utility facilities which are necessary to provide service to the area. Included in this category are uses of a recreational, educational, religious or cultural nature and facilities for public services such as police, fire and library. (Ord. 84-1 52-83, 1984)

18.04.450 Recreation, commercial. "Commercial recreation" means recreational facilities operated as a business and open to the general public for a fee. (Ord. 84-1 §2-84, 1984)

18.04.455 Recreation, private, non-commercial. "Private noncommercial recreation" means clubs or recreational facilities, operated by a nonprofit organization and open only to bona fide members of such nonprofit organization, whether or not a fee is charged. (Ord. 84-1 §2-85, 1984)

18.04.460 Right-of-way, public. "Public right-of-way" means any parcel of land which has been dedicated to, sold to, condemned by or otherwise transferred to and accepted by the city for the purpose of providing either present or future unrestricted public access to any lot, parcel or premises. A public right-of-way is any right-of-way for which the city assumes responsibility for maintenance, whether or, not such right-of-way is improved to the standards of the city. In accepting a public right-of-way, the city accepts no responsibility for improving such right-of-way to a greater

standard than that which prevailed at the time of such acceptance. (Ord. 84-1 §2-86, 1984)

18.04.465 Right-of-way, private. "Private right-of-way" means any parcel of land the right-of-way of which has been transferred by the owner thereof to any other party, and which right-of-way is controlled by a private agreement between the grantor and grantee. A private right-of-way may or may not be recorded with the recorder of Monterey County. (Ord. 84-1 §2-87, 1984)

18.04.470 Row house. "Row house" means a single family attached or semi-attached dwelling unit located on a separate parcel of land in one ownership. (Ord. 84-1 §2-88, 1984)

18.04.475 Salvage or wrecking yard. "Salvage or wrecking yard" means a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, stored or handled, including auto wrecking yards, house-wrecking yards, used lumber yards and places or yards for storage of salvaged materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building. The sale of used cars in operable condition, or the use of salvage materials incidental to manufacturing operations. (Ord. 84-1 §2-89, 1984)

18.04.480 Screen fence or screen hedge. A "screen fence" or "screen hedge" is a fence or hedge which restricts visibility by seventy-five percent or more. Visibility restriction is seventy-five percent or more when the ratio of opaque areas to open areas is three to one or higher. A planting of five-gallon shrubs or trees of a size or species that will, within four years, restrict visibility by seventy-five percent or more to the required height, shall be allowed as a screen hedge. (Ord. 84-1 §2-90, 1984)

18.04.483 Service commercial. "Service Commercial" uses means those uses and businesses that are establishments primarily engaged in rendering services on a fee or contract basis for all phases of building construction and maintenance; or that render services to other businesses such as advertising, employment services, management and consulting services, and protective services. (Ord. 02-03, 2002)

18.04.485 Setback. "Setback" means the minimum allowable horizontal distance from a given point or line of reference such as a street right-of-way to the nearest vertical wall or other element of a building or structure as defined in this chapter. (Ord. 84-1 §2-91, 1984)

18.04.490 Sign. "Sign" means any advertising display or structure. (Ord. 84-1 §2-92, 1984)

18.04.495 Story. "Story" means that portion of a building included between the

surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between any floor and the ceiling next above it. (Ord. 84-1 §2-93, 1984)

18.04.500 Street. "Street" means an improved public right-of-way more than twenty feet in width which provides a public means of access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term. (Ord. 84-1 52-94, 1984)

18.04.505 Structure. "Structure" means anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. (Ord. 84-1 §2-95, 1984)

18.04.510 Structural alteration. "Structural alteration" means any change in the structural members of a building, such as walls, columns, beams or girders. (Ord. 84-1 §2-96, 1984)

18.04.515 Substation, public utility. "Public utility substation" means a station where electric power is transformed to a distribution voltage level or where water is pumped into a local or neighborhood distribution system. (Ord. 84-1 §2-97, 1984)

18.04.520 Trailer (including camp trailer). "Trailer" (including camp trailer) means any vehicle constructed in such a manner as to permit temporary occupancy thereof as sleeping quarters (i.e., camp trailer) or the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment or machinery, and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets, propelled or drawn by other motive power. Camp trailers are considered structures for the purposes of this title when they are parked in a trailer camp or park. (Ord. 84-1 §2-98, 1984)

18.04.525 Trailer camp, trailer park or mobile home park. "Trailer camp," "trailer park" or "mobile home park" means any lot or part thereof, or any parcel of land, which is used or offered as a location for two or more camp trailers or mobile homes used for any of the residential purposes. (Ord. 84-1 §2-99, 1984)

18.04.530 Unreasonable delays. "Unreasonable delays" are those exceeding five minutes unless there is equipment failure. (Ord. 84-1 52-100, 1984)

18.04.535 Usable open space. "Usable open space" means an area or a series of areas on a lot of such shape or shapes that it or they can be efficiently utilized for recreation and outdoor living. (Ord. 84-1 52-101, 1984)

18.04.540 Visitor serving residential timeshare units. "Visitor serving residential timeshare units" means, within the coastal zone, residential units which are sold to visitors for specified periods of time throughout the year. These units are to be interval units, in which the purchaser acquires one or more intervals, an interval usually being one or two week periods. Permitted timeshare residential units shall be restricted to purchase in thirty-one-day maximum increments and to occupancy for thirty-one-day maximum periods. (Ord. 84-1 §2-102, 1984)

18.04.-545 Water allocation. "Water allocation" means the total annual amount of water allocated to the city by the Monterey Peninsula Water Management District as part of the peninsula water allocation system. As a result of this city water allocation and as part of the LCP, water consumption for land uses within and outside the coastal zone were projected to insure that the city will not exceed its current annual water allocation. (Ord. 84-1 §2-103, 1984)

18.04.550 Wire mesh fencing. "Wire mesh fencing" is fence material which derives its strength from metal strands crossing in a regular pattern. Wire mesh fencing includes, but is not limited to, those materials known as chain link, Cyclone and chicken-wire fencing, but does not include ornamental iron fencing. (Ord. 84-1 §2-104, 1984)

18.04.555 Yard, exterior. "Exterior yard" means any yard adjacent to an exterior lot line. (Ord. 84-1 §2-105, 1984)

18.04.560 Yard, front. "Front yard" means an open space extending the full width of the lot measured between the building closest to the front line and said front lot line, which open space is unoccupied and unobstructed from the ground upward except as specified elsewhere in this title and which such space provides access to the principal or formal access to the main building located on such lot.

Front Yard, Least Depth, How Measured. Such depth shall be measured at all elevations from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided, however, that if the proposed location of the right-of-way line of such street as adopted by the city differs from that of the existing street, then the required front yard least depth shall be measured from the future right-of-way line of such streets as adopted. (Ord. 84-1 §2-106, 1984)

18.04.565 Yard, interior. "Interior yard" means any yard adjacent to an interior lot line. (Ord. 84-1 §2-107, 1984)

18.04.570 Yard, rear. "Rear yard" means an open space extending the full width of a lot between the building closest to the rear lot line and such rear lot line, which open space is unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title. (Ord. 84-1 52-108, 1984)

18.04.575 Yard, side. "Side yard" means an open space extending from the front yard to the rear yard between the building closest to the nearest side lot line and such lot line, which open space is unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title.

Side Yard, Least Width, How Measured. Such width shall be measured at all elevations from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street, as adopted by the city, differs from that of the existing street, then the required side yard least width shall be measured from the future right-of-way line of such street as adopted. (Ord. 84-1 §2-109, 1984)

18.04.580 Zoning map. "Zoning map" means the zoning map of the city, together with all amendments thereto subsequently adopted. (Ord. 84-1 §2-110, 1984)

Chapter 18.06

ZONING DISTRICTS AND MAPS

Sections:

18.06.010 Designation of districts.

18.06.020 Overlay or combining districts.

18.06.030 Adoption of zoning map.

18.06.040 Determination of boundaries.

18.06.050 Conformance.

18.06.060 Zoning map.

18.06.010 Designation of districts. The several districts established and into which the city is divided are designated as follows:

R-1 district Single-family

R-2 district One and two-family residence

R-3 district Multifamily

C-1 (CL) district Light commercial

C-2 (CH) district Heavy commercial
C-3 (CN) district Neighborhood shopping
M district Manufacturing/ industrial
IP district Industrial park
CZ R-2 district Coastal zone residential, medium density
CZ R-3 district Coastal zone residential, high density
CZ VSC district Coastal zone visitor serving commercial
CZ VS R-1 district Coastal zone visitor serving residential, low density
CZ VS R-2 district Coastal zone visitor serving residential, medium density
CZ C-1 district Coastal zone light commercial
CZ C-2 district Coastal zone heavy commercial
CZ-CDI district Coastal zone coastal dependent industrial
CZ M district Coastal zone industrial/manufacturing
CZ IP district Coastal zone industrial park
CZ PF district Coast zone public facilities
CZ PR district Coastal zone public recreation
CZ HP district Coastal zone habitat preserve
(Ord. 84-1 §3-1, 1984)

18.06.020 Overlay or combining districts. In addition to the standard zoning districts, certain combining districts are established and designated as follows:

CZ district Coastal zone
CZ RM district Resource management
CZ HR district Habitat restoration
CZ ST district Special treatment areas
DC district Design control
PUD district Planned community
(Ord. 84-1 §3-2, 1984)

18.06.030 Adoption of zoning map.

The designations, locations and boundaries of the districts set out in Sections 18.06.010 and 18.06.020 are set forth in Section 18.06.060, which consists of the zoning map of the city. Such map and all notations, references and other information shown thereon shall be and are adopted and made a part of the ordinance codified in this title. (Ord. 97-4 §3, 1997; Ord. 84-1 §3-3, 1984)

18.06.040 Determination of boundaries. Where uncertainty exists as to the boundaries of any of the districts set out in Sections 18.06.010 and 18.06.020 as shown on such zoning map, the city council, upon written application or upon its own motion, shall determine the location of such boundaries. (Ord. 84-1 §3-4, 1984)

18.06.050 Conformance. Except as hereinafter noted:

A. No building or part thereof of other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose, or in any manner, other than those which are included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.

B. No building or part thereof or other structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

C. No building or part thereof or other structure shall be erected, nor shall any existing building be altered, enlarged or rebuilt or moved into any district, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area and building location regulations hereinafter designated for the district in which such building or open space is located.

D. No yard or other open space provided about any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or other open space for any other building, and no yard or other open space on one building site shall be considered as providing a yard or open space for a building on any other building site. (Ord. 84-1 §3-5, 1984)

18.06.060 Zoning map. This section consists of the zoning map of the city, made a part of this title under the provisions of Section 18.06.030. Such map, properly attested, shall and does remain on file in the office of the city clerk. The zoning map of the city is set out as Appendix A attached to the ordinance codified in this title. It is on file in the office of the city clerk. (Ord. 97-05, 1997; Ord. 97-02, 1997; Ord. 95-02, 1995; Ord. 95-01, 1995; 84-1 §4-1, 1984)

Chapter 18.08

R-1 SINGLE-FAMILY RESIDENCE DISTRICT

Sections:

- 18.08.010 Purpose.**
- 18.08.020 Principal permitted uses.**
- 18.08.030 Accessory uses.**
- 18.08.040 Conditional uses.**
- 18.08.050 Height regulations.**
- 18.08.060 Minimum requirements.**
- 18.08.070 Other required conditions.**

18.08.010 Purpose. The purpose of the R-1 district is to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for family life. The R-1 district is intended for single-family homes and the community services appurtenant thereto. (Ord. 84-1 §5-1, 1984)

18.08.020 Principal permitted uses. Principal permitted uses in the R-1 district are as follows:

- A. Single-family dwellings;
- B. Rooming and boarding of not over two persons;
- C. Signs not exceeding in the aggregate, six square feet in area, for each building site, may be displayed for the purpose of advertising the sale or lease of property upon which is displayed;
- D. Mobile or manufactured homes. (Ord. 84-1 §5-2, 1984)

18.08.030 Accessory uses. Accessory uses permitted in the R-1 district are as follows:

- A. Living quarters for persons regularly employed on the premises, but not rented or otherwise conducted as a business; provided, that no kitchen facilities are provided;
- B. Home occupations;
- C. Private swimming pools;
- D. Temporary tract offices;
- E. Other accessory uses, and accessory buildings customarily appurtenant to a permitted use. (Ord. 84-1 §5-3, 1984)

18.08.040 Conditional uses. Conditional uses permitted in the R-1 district are as follows:

- A. Public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public service type; not including corporation yards, storage or repair yards and warehouses;
- B. Licensed foster homes;
- C. Commercial parking lots;

D. Public utility substations and public utility communication equipment buildings;

E. Dwelling groups. (Ord. 84-1 §5-4, 1984)

18.08.050 Height regulations. Height regulations permitted in the R-1 district are as follows: no principal building shall exceed thirty feet in height and no detached accessory building shall exceed fifteen feet in height. (Ord. 84-1 §5-5, 1984)

18.08.060 Minimum requirements. The following minimum requirements shall be observed in the R-1 district, except where increased for conditional uses or modified herein:

A. Minimum building site area required, three thousand seven hundred fifty square feet;*

B. Minimum building site width required, fifty feet;

C. Percentage of building site coverage permitted, sixty percent;

D. Minimum front yard setback required, five feet;

E.. Minimum side yard setback required, five feet;*

F. Minimum rear yard setback required, ten feet;

G. Parking spaces required, two per dwelling unit (one covered);

* Those holding single twenty-five-foot lots, with separate owners on each side of them at the time the ordinance codified in this title is adopted, can develop them as they exist with design review. A minimum zero side yard setback will be allowed.

Applicants for development on a twenty-five-foot lot will be required to show proof of ownership by producing a recorded deed or notarized contract of sale dated prior to ordinance adoption. Change of ownership will not affect the status of a twenty-five-foot lot if, in fact, it was a twenty-five-foot lot prior to ordinance adoption. However, proof of such will still be necessary as described above.

H. Maximum driveway width, twelve and one-half feet (to allow curb room for off-site parking). (Ord. 84-1 §5-6, 1984)

18.08.070 Other required conditions. Other required conditions in the R-1 district are as follows:

- A. Site plan approval required of all conditional uses set out in Section 18.08.040;
- B. Off-street parking required for all uses as set out in this chapter, two spaces per unit to be within a two-car, enclosed garage;
- C. Design control regulations apply within the R 1 district. (Ord. 84-1 §5-7, 1984)

Chapter 18.10

R-2 ONE-FAMILY AND TWO-FAMILY RESIDENCE DISTRICT

Sections:

- 18.10.010 Purpose.**
- 18.10.020 Principal permitted uses.**
- 18.10.030 Accessory uses.**
- 18.10.040 Conditional uses.**
- 18.10.050 Height regulations.**
- 18.10.060 Area, lot width and yard requirements.**
- 18.10.070 Other required conditions.**

18.10.010 Purpose. The purpose of the R-2 district is to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for family life. The R-2 district is intended for one- and two-family residences and the community services appurtenant thereto. (Ord. 84-1 §6-1, 1984)

18.10.020 Principal permitted uses. Principal permitted uses in the R-2 district are as follows:

- A. Single-family dwellings;
- B. Duplex or two-family dwellings. (Ord. 84-2 §6-2, 1984)
- C. Residential Care Facility for six (6) or fewer persons. (Ord. 07-04, 2007)

18.10.030 Accessory uses.

Accessory uses permitted in the R-2 district are as follows:

- A. Room and boarding of not more than one person per unit;

- B. Home occupations;
- C. Private swimming pools;
- D. Temporary tract offices and building yards;
- E. Other accessory uses and accessory buildings customarily appurtenant to a permitted use. (Ord. 84-1 §6-3, 1984)

18.10.040 Conditional uses. Conditional uses permitted in the R-2 district are as follows:

- A. Public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public service type; not including corporation yards, storage or repair yards and warehouses;
- B. Multiple family dwelling units;
- C. Nursery schools, licensed foster homes, homes for ambulatory aged person and nursing or convalescent homes;
- D. Commercial parking lots;
- E. Public utility substations and public utility communication equipment buildings;
- F. Dwelling groups;
- G. Mobile homes (renewable annually). (Ord. 84-1 §6-4, 1984)

18.10.050 Height regulations. Height regulations in the R-2 district are as follows: no principal building shall exceed thirty feet in height; no detached accessory buildings shall exceed fifteen feet in height. (Ord. 84-1 §6-5, 1984)

18.10.060 Area, lot width and yard requirements. The following minimum requirements shall be observed in the R-2 district, except where increased for conditional uses. The minimum requirements shall be those of the following that correspond with the district classification designated on the zoning map.

- A. Single-family dwellings; same as in R-1 district regulations; and
- B. Two-family dwellings, designated as follows:
 - 1. Minimum lot area, three thousand seven hundred fifty square feet,
 - 2. Mean lot width, fifty feet (interior lot),

3. Mean lot depth, fifty feet (corner lot),
4. Percentage of building site coverage permitted, sixty percent,
5. Parking spaces per dwelling unit, two (one and one-half covered),
6. Side yard setbacks, five,*
7. Exterior yards:
 - a. Front yard setback, five feet,
 - b. Rear yard setback, ten feet,
8. Driveway width, twelve and one-half feet to seventeen feet (to allow off-street parking). (Ord. 84-1 §6-6, 1984)

*Setbacks can be applied to either side yard (total of ten feet minimum), with a zero side yard on the opposite side.

18.10.070 Other required conditions. Other required conditions in the R-2 district are as follows:

- A. Site plan approval by the city council required of all conditional uses;
- B. Off-street parking required for all uses, as above;
- C. On any corner lot, each exterior yard which abuts the front yard of an adjacent lot shall be not less than twenty feet in depth. Any other exterior yard on a corner lot may be reduced to fifteen feet;
- D. Applicable fence height limitations and other regulations relating to fences and hedges;
- E. Design control district regulations apply. (Ord. 84-1 §6-7, 1984)

Chapter 18.12

R-3 MULTI-FAMILY RESIDENCE DISTRICT

Sections:

18.12.010 Purpose.

18.12.020 Principal permitted uses.

18.12.030 Accessory uses.

18.12.040 Conditional-uses.

18.12.050 Area, height, lot width and yard requirements.

18.12.060 Other require conditions.

18.12.010 Purpose. The purpose of the R-3 district is to stabilize and protect the residential characteristics of the district and to promote, insofar as is compatible with the intensity of land use, a suitable environment for family life. (Ord. 84-1 §7-1, 1984)

18.12.020 Principal permitted uses. Principal permitted uses in the R-3 district are as follows:

A. Multiple dwellings;

B. Single-family dwellings and duplexes, subject to all restrictions and requirements of the R-1 district; and

C. Licensed homes for ambulatory aged persons over sixty-five years of age. (Ord. 84-1 §7-2, 1984)

D. Residential Care Facility for six (6) or fewer persons. (Ord. 07-04, 2007)

18.12.030 Accessory uses. Access- ory uses permitted in the R-3 district are as follows:

A. Rooming and boarding of not more than two persons;

B. Temporary tract offices and building yards; and

C. Other accessory uses and accessory buildings customarily appurtenant to a permitted use. (Ord. 84-1 §7-3, 1 9 8 4)

18.12.040 Conditional uses. Conditional uses permitted in the R-3 district are as follows:

A. Rooming houses and boarding houses and foster homes for any number of guests;

B. Mobile homes, renewable annually;

C. Incidental services, such as: restaurants and retail sales to serve residents only;

provided, that there is not exterior display or advertising and such activities are conducted in spaces which are integral parts of a main building;

D. Social halls, lodges, fraternal organizations and clubs, except those operated for a profit;

E. Nursery schools, licensed foster homes and homes for ambulatory aged persons;

F. Public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public service type, but not including corporation yards, storage or repair yards and warehouses;

G. Commercial parking lots; and

H. Public utility substations and public utility communication equipment buildings. (Ord. 84-1 §7-4, 1984)

18.12.050 Area, height, lot width and yard requirements. The following minimum requirements shall be observed in the R-3 district, except where increased for conditional uses. The minimum requirements shall be those of the following that correspond with the district classification designated on the zoning map.

Single Story:

Minimum site 3,750 sq. ft.

Dwelling units per lot (25x75) 1 or more

Maximum building height 16 feet

Percentage of building site coverage permitted

1 and no bedroom unit 70%

2 bedroom unit 70%

3 or more bedroom unit 70%

Mean lot width 75 feet

Side yard setback

2.0 stories or less	5 feet
2.5 stories or more	N/A
Distance between structures	10 feet
Front yard setback	5 feet
Rear yard setback	15 feet
Driveway width (in feet measured to sidewalk)	17 feet
Parking spaces per dwelling unit with 2 or fewer bedrooms (covered)	1.5 spaces
Parking spaces per dwelling unit with 3 or more bedrooms (covered)	2 spaces
Land area per dwelling unit	1,000 sq. feet

Multi-story:

Minimum site	3,750 sq. ft.
Dwelling units per lot (25x75)	1 or more
Maximum building height	36 feet
Percentage of building site Coverage permitted	
1 and no bedroom unit	65%
2 bedroom unit	65%
3 or more bedroom unit	65%

Mean lot width	75 feet
Side yard setback 2.0 stories or less	5 feet
2.5 stories or more	10+2 feet for each story over 2.5
Distance between structures Two times otherwise required minimum interior yard	
Front yard setback	5 feet
Rear yard setback	15 feet
Driveway width (in feet measured to sidewalk)	17 feet
Parking spaces per dwelling unit with 2 or fewer bedrooms (covered)	1.5 spaces
Parking spaces per dwelling unit with 3 or more bedrooms (covered)	2 spaces
Land area per dwelling unit	1,000 sq. feet

When more than six units are proposed, a PUD permit will be required. (Ord. 84-1 §7-5, 1984)

18.12.060 Other required conditions. Other required conditions in the R-3 district are as follows:

- A. Site plan approval by the city council is required for all construction or physical alterations in the R-3 district;
- B. All existing buildings and structures located on the property shall be brought into complete conformity with all building and other sections of the city building code or shall be removed prior to issuance of certificate of occupancy for new construction;

C. All structures in the R-3 district shall be constructed under requirements for condominiums as set forth in the Uniform Building Code as adopted by the city;

D. Design control district regulations apply. (Ord. 84-1 §7-6, 1984)

Chapter 18.13

MU-P PLANNED MIXED USE DISTRICT

Sections:

18.13.010 Purpose.

18.13.020 Principal Permitted Uses.

18.13.030 Accessory Uses.

18.13.040 Conditional Uses.

18.13.050 Development Standards.

18.13.060 Other Required Conditions.

18.13.010 Purpose. The purpose of the MU-P district is to: (a) implement the Sand City General Plan land use policies relating to the mixed use classification illustrated on the General Plan Diagram; (b) encourage development and redevelopment of mixed residential, commercial and light-industrial uses that ensure land use compatibility; (c) encourage the creation of living wage jobs; (d) provide for the continued availability of light manufacturing and commercial businesses; (e) provide opportunities for office development where it will not unduly interfere with light manufacturing and commercial uses; (f) allow on-site ancillary retail use to maintain and enhance the economic viability of manufacturers, artists and artisans in the district; (g) allow buildings and site areas where living and working environments can be combined in an effort to reduce work commutes and provide for a more lively area of town; and (h) establish a conditional use permit procedure for all new and proposed commercial, light industrial and residential uses within the district to insure land use compatibility and real estate marketability.

18.13.020 Principal Permitted Uses. Principal permitted uses in the MU-P district are:

A. All legal businesses and uses existing within the MU-P district at the time of the adoption of this ordinance shall be considered permitted uses, but only on the sites they currently occupy. All businesses and uses with existing conditional use permits at the time of the adoption of this ordinance shall be allowed to continue as a use permitted by conditional use permit, and only on the site they currently occupy. Expansion of any of these uses beyond their current locations will require

conditional use permit approval by the City Council and will be subject to the MU-P development standards and land use compatibility requirements.

B. Expansion of existing commercial and industrial uses on-site or substantial remodeling or renovation resulting in more than a twenty-five percent (25%) increase in floor area or building coverage shall require the issuance of a conditional use permit and will subject the entire commercial or industrial use to the current site development standards of the MU-P district.

18.13.030 Accessory Uses. Accessory uses in the MU-P district are uses and buildings that are customarily appurtenant to a permitted or conditional use.

18.13.040 Conditional Uses. Conditional uses, subject to the issuance of a conditional use permit from the City Council, are:

- A. Public or quasi-public uses;
- B. Commercial recreation;
- C. Light-manufacturing;
- D. Live/Work units at a density no greater than 1 unit/1875 square feet of lot area;
- E. Art/Craft Studios;
- F. Laboratories, motion picture studios, photo processing;
- G. Open Air Markets;
- H. Brew pubs;
- I. Retail Establishments;
- J. Restaurants;
- K. Bakeries;
- L. Service Commercial;
- M. Hotels, motels, inns;
- N. Medical and professional offices;
- O. Single-family and multi-family development at a density no greater than 1 unit/1875 square feet of lot area;

P. Any other use the City Council finds to be consistent with the goals and policies of the Sand City General Plan and the purposes of this district.

18.13.050 Area and Setback Requirements. Area and setback requirements in the MU-P district are:

A. No parcel or lot created after January 17, 1984 shall have an area of less than 3,750 square feet; provided, however, that the minimum land area of a parcel or lot in the MU-P district created after January 17, 1984 and improved with a single-family residence shall be 1,875 square feet.

B. Minimum front yard setback: as approved by site plan review of the City Council.

C. Minimum side and rear yard setbacks: as approved by site plan review of the City Council.

18.13.060 Other Required Conditions.

A. Applicable fence height limits and other regulations as contained in Sections 18.62.050 and 18.62.060;

B. Site plan approval by the City Council is required for all construction and physical alterations in the MU-P district;

C. On-site parking and loading facilities required for all uses, as provided in Chapter 18.64;

D. Height Limitations: Maximum sixty feet (60');

E. Design Review Regulations apply;

F. A coastal development permit shall be required for all construction and physical alterations in the MU-P district where said district also falls within the coastal zone boundaries of the City. In such cases, these areas shall be shown on the zoning map as CZ-MU-P and uses within this area shall be subject to the same limitations as referenced herein;

G. In order to determine if proposed new businesses and residential uses within the MU-P district are compatible with ambient conditions, the following additional submittals may be required as part of the conditional use permit, coastal development permit or site plan review process: (1) material safety data sheets; (2) fire department approval and agreement to annual inspections if hazardous materials

are involved with the proposed use; and (3) an acoustical analysis by a licensed acoustical engineer. Above-standard sound proofing may be required to insure compatibility with nearby or planned residential uses. (Ord. 02-04, 2002)

Chapter 18.14

C-1 LIGHT COMMERCIAL DISTRICT

Sections:

18.14.010 Purpose.

18.14.020 Principal permitted uses.

18.14.030 Accessory uses.

18.14.040 Conditional uses.

18.14.050 Area requirements.

18.14.060 Other required conditions.

18.14.010 Purpose. The purpose of the C-1 district is to provide for a light commercial district with commercial uses and services necessary to service the Sand City area as a whole. (Ord. 84-1 §8-1, 1984)

18.14.020 Principal permitted uses. Principal permitted uses in the C-1 district are as follows:

- A. Stores, shops and offices supplying commodities or performing services for residents of the city as a whole or the surrounding communities;
- B. Garages, including those having facilities for automobile storage and minor repairs, as defined herein and commercial parking lots;
- C. Telephone booths and communication equipment buildings;
- D. Administrative or executive offices;
- E. Hotels and motor hotels;
- F. Retail business and service establishments, such as:
 - 1. Automobile parts and accessories,
 - 2. Electrical and household appliances, and

- 3. General hardware merchandise;
- G. New automobile sales;
- H. Restaurants, cocktail lounges, theaters and similar enterprises;
- I. Any other retail business or service establishment which the council finds to be consistent with the purpose of this chapter and which will not impair the present or potential use of adjacent properties;
- J. Existing residential units shall remain as conforming uses in the C-1 district and will be allowed accessory uses, buildings and mobile homes,, as deemed appropriate by the city council. Site plans will be required for all construction or physical alterations in the C-1 district. (Ord. 84-1 §8-2, 1984)

18.14.030 Accessory uses. Accessory uses permitted in the C-1 district are the accessory uses and buildings customarily appurtenant to a permitted use. (Ord. 84-1 §8-3, 1984)

18.14.040 Conditional uses. Conditional uses permitted in the C-1 district are as follows:

- A. Public and quasi-public uses appropriate in the light commercial district;
- B. Bakeries, creameries, retail laundries, cleaning and dyeing establishments;
- C. Nightclubs, bowling alleys, dancehalls and roller skating rinks;
- D. Used car sales within an enclosed building;
- E. Automobile service stations;
- F. Sidewalk cafes;
- G. Printing and publishing or lithographic shops;
- H. Public utility substation;
- I. 1. Allow construction of secondary rental units as part of new commercial and industrial developments and as part of existing residential units after city review per the following criteria:
 - a. Limit amount of residential square footage per commercial/industrial square footage to no more than fifty percent of the total commercial/ industrial square

footage shall be residential,

b. Limit maximum size of a secondary unit, such as to six hundred fifty square feet,

C. Require that the residential unit be suitable for living with regard to all health and safety requirements, noise conditions of surrounding uses, etc.,

d. Acknowledge priority of commercial/industrial uses by requiring that a statement be issued to potential renters advising them of potential nuisances of surrounding uses, and that subsequent complaints may not be valid. The statement will be provided by the city,

e. At least one parking space per unit is provided and any traffic concerns addressed. The parking requirement may be waived for one unit if dual parking use is feasible,

f. Projects will be evaluated on a case-by-case basis, utilizing those criteria.

2. As an incentive allow a waiver of development tax, plan check and building permit fees up to two thousand dollars for construction of a secondary residential rental unit. Require that secondary units be used for rental purposes only. Require a minimum five-year residential rental period through deed restriction if a waiver of fees has been granted by the city. (Ord. 84-1 §8-4, 1984)

18.14.050 Area requirements. Area requirements in the C-1 district are as follows:

No parcel located in the C-1 district shall be divided into lots containing less than three thousand seven hundred fifty square feet.

A. Front yard setback, zero feet, with the provision that all parking requirements can be met;

B. Side and rear yard setback, zero feet;

C. Building height (maximum), thirty-six feet;

D. Parking, to be in accordance with Chapter 18.64;

E. Signing and fencing to be in accordance with Chapter 18.64 and Sections 18.62.050 and 18.62.060. (Ord. 84-1 §8-5, 1984)

18.14.060 Other required conditions. Other required conditions in the C-1 district are as follows:

A. In a C-1 district directly across a street or thoroughfare from any R district designated for future residential use in the general plan, the parking and loading facilities shall maintain an average distance of eight feet from such street;

B. All uses shall be conducted wholly within a completely enclosed building, except for service stations, public utility substations, and off-street parking and loading facilities; except that the council may permit the outdoor operation of any permitted use by approving a conditional use permit therefor;

C. Site plan review by the city council for all construction or physical alterations in the C-1 zoning district;

D. Design control regulations apply. (Ord. 84-1 §8-6, 1984)

Chapter 18.16

C-2 HEAVY COMMERCIAL DISTRICT

Sections:

18.16.010 Purpose.

18.16.020 Principal permitted uses.

18.16.030 Accessory uses.

18.16.040 Conditional uses.

18.16.050 Development standards.

18.16.060 Other required conditions.

18.16.010 Purpose. (Ord. 02-02, 2002; Ord. 97-01 §1, 1997; Ord. 84-1§9-1, 1984)

18.16.020 Principal permitted uses. Principal permitted uses in the C-2 district are as follows:

A. Wholesale business, storage or warehousing;

B. Automobile, truck, trailer, boat and farm implement establishments, including major repair;

C. Building material sales yard, not including concrete mixing;

D. Public utility buildings, service yards, telephone booths and substations;

E. Contractor's equipment storage yard, or storage and rental of equipment

commonly used by contractors;

F. Carpenter, electrical, plumbing, heating or machine shop; printing, publishing or lithographic shop; furniture upholstering shop, greenhouse or horticultural nursery;

G. New and used automobile sales and automobile service stations;

H. Animal hospitals, veterinary clinics and kennels;

I. Bakeries, creameries, soft drink bottling plants; laundries, cleaning and dyeing plants;

J. Truck depots;

K. Any other commercial use or service establishment determined by the council to be of the same general character as the above-permitted uses;

L. Existing residential units; (Ord. 97-01 §1, 1997; Ord. 84-1 §9-2, 1984)

M. New single family residential units (for non-coastal zone C-2 Districts only. (Ord. 97-01 §1, 1997)

18.16.030 Accessory uses.

Accessory uses permitted in the C-2 district are the accessory uses and buildings customarily appurtenant to a permitted use. (Ord. 84-1 §9-3, 1984)

18.16.040 Conditional uses. Conditional uses permitted in the C-2 district are as follows:

A. Public or quasi-public uses appropriate to the C-2 district;

B. Concrete mixing and asphalt mixing yards;

C. Commercial recreation facilities, including bowling alleys;

D. Other retail commercial uses, listed as principal permitted uses in the C-1 district appropriate in or necessary to serve a heavy commercial area;

E. 1. Allow construction of secondary rental units as part of new commercial and industrial developments and as part of existing residential units after city review per the following criteria:

a. Limit amount of residential square footage per commercial/industrial square footage to no more than fifty percent of the total commercial/ industrial square footage shall be residential,

- b. Limit maximum size of a secondary unit, such as to six hundred fifty square feet,
 - c. Require that the residential unit be suitable for living with regard to all health and safety requirements, noise conditions of surrounding uses, etc.,
 - d. Acknowledge priority of commercial/industrial uses by requiring that a statement be issued to potential renters advising them of potential nuisances of surrounding uses, and that subsequent complaints may not be valid. The statement will be provided by the city,
 - e. At least one parking space per unit is provided and any traffic concerns addressed. The parking requirement may be waived for one unit if dual parking use is feasible,
 - f. Projects will be evaluated on a case-by-case basis, utilizing those criteria.
2. As an incentive allow a waiver of development tax, plan check and building permit fees up to two thousand dollars for construction of a secondary residential rental unit. Require that secondary units be used for rental purposes only. Require a minimum five-year residential rental period through deed restriction if a waiver of fees has been granted by the city. (Ord. 84-1 §9-4, 1984)

F. Mobile homes (for non-coastal zone C-2 Districts only). (Ord. 97-01 §1, 1997)

18.16.050 Area and setback requirements. Area and setback requirements in the C-2 district are as follows:

A. No parcel or lot created after January 17, 1984 in the C-2 district shall have an area of less than three thousand seven hundred fifty square feet; provided, however, that the minimum land area of a parcel or lot in the C-2 district created after January 17, 1984 and improved with a single family residence shall be one thousand eight hundred and seventy-five square feet.

B. Minimum front yard setback required is twenty feet;

C. Minimum side and rear yard setback is zero feet. (Ord. 97-01 §1, 1997; Ord. 84-1 §9-5, 1984)

18.16.060 Other required conditions. Other required conditions in the C-2 district are as follows:

A. Applicable fence height limits and other regulations are contained in Sections 18.62.050 and 18.62.060;

- B. Site plan approval by the city council required for all construction or physical alterations in the C-2 district;
- C. Off-site parking and loading facilities required for all uses, as provided in Chapter 18.64;
- D. Height requirements, maximum thirty-six feet;
- E. Design control regulations apply. (Ord. 84-1 §9-6, 1984)

Chapter 18.18

C-3 NEIGHBORHOOD SHOPPING DISTRICT

Sections:

- 18.18.010 Purpose.**
- 18.18.020 Principal permitted uses.**
- 18.18.030 Accessory uses.**
- 18.18.040 Conditional uses.**
- 18.18.050 Height regulations.**
- 18.18.060 Yard requirements.**
- 18.18.070 Other required conditions.**

18.18.010 Purpose. The purpose of the C-3 district is to provide an attractive area for the day-to-day shopping needs of the residential neighborhood in which it is located. Service to the neighborhood shall be the principal factor considered by the council in approving the precise location of a neighborhood shopping center. Competitive advantage shall not be a consideration. Neighboring shopping centers shall be consistent throughout the center.

New C-3 districts shall be created only in conjunction with a planned unit development permit. New C-3 districts shall be located only in accordance with the general plan and where an analysis of the residential population and buying power demonstrates that a neighborhood shopping center is, or will be, economically justified. (Ord. 84-1 §10-1, 1984)

18.18.020 Principal permitted uses. Principal permitted uses in the C-3 district are as follows:

- A. Any local retail business or service establishment, such as a grocery store, bake

shop, drugstore, barber and beauty shop, clothes cleaning and laundry pickup station, child care center, business or professional office or bank, supply commodities or performing services for residents of the neighborhood;

B. Restaurant, cafe and soda fountain, not including entertainment or dancing or sale of liquor, beer or other alcoholic beverages by the glass or for consumption on the premises;

C. Commercial parking lots for passenger vehicles;

D. Telephone booths;

E. Any other retail business which is determined by the council to be of the same general character as the above permitted retail business or service area. (Ord. 84-1 §10-2, 1984)

18.18.030 Accessory uses. Accessory uses permitted in the C-3 district are accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities. (Ord. 84-1 §10-3, 1984)

18.18.040 Conditional uses. Conditional uses permitted in the C-3 district are as follows:

A. Public and quasi-public uses appropriate to the C-3 district;

B. Automobile service stations;

C. Social halls, lodges, fraternal organizations;

D. Public utility substations and communications equipment buildings. (Ord. 84-1 §10-4, 1984)

18.18.050 Height regulations. Height regulations in the C-3 district are as follows:

No principal building shall exceed thirty feet in height. (Ord. 84-1 §10-5, 1984)

18.18.060 Yard requirements. The following minimum requirements shall be observed except where increased for conditional uses:

Yards:

Front yard setback..... 20 feet

Rear and side yard

setbacks.....None, except when abutting an R district, then not less than ten

feet.

(Ord. 84-1 §10-6, 1984)

18.18.070 Other required conditions. Other required conditions in the C-3 district are as follows:

A. All uses shall be conducted wholly within a completely enclosed building, except for service stations, public utility substations and off-street parking and loading facilities; except that the council may permit the outdoor operation of any permitted use by approving a conditional use permit therefor;

B. In any C-3 district directly across the street from any R district, the parking and loading facilities shall maintain an average distance of eight feet from the street and structures at least twenty feet from the street;

C. Goods for sale shall consist primarily of new merchandise and shall be sold at retail on the premises;

D. Not more than three persons shall be engaged in the fabrication, repair or other processing of goods in any establishment, and not more than five aggregate horsepower shall be employed in the operation of all machines employed for the aforesaid purposes;

E. Site plan approval required for all construction or physical alterations in the C-3 district;

F. Off-street loading and parking required for all uses, as provided in Chapter 18.64;

G. Applicable fence height limits and other regulations relating to fences and hedges are contained in Sections 18.62.050 and 18.62.060;

H. Design control regulations apply. (Ord. 84-1 §10-7, 1984)

CHAPTER 18.19

C-4 REGIONAL COMMERCIAL DISTRICT

Sections:

18.19.010 Purpose.

18.19.020 Principal permitted uses.

18.19.030 Condition uses.

18.19.035 Prohibited uses.

18.19.040 Area requirements.

18.19.050 Other requirements.

18.19.010 Purpose. To provide location and performance standards for regional commercial centers that provide retail, service, and general commercial uses designed to reflect the historical, cultural, and physical character of the area. This district is intended to strengthen the local economy and diversify commercial uses. (Ord. 89-1 §1, 1989)

Section 18.19.020 Principal Permitted Uses.

A. The following regional retail uses, provided they are greater than 2,000 square feet in gross floor area. A regional retail use is one that will serve areas outside of the community in which the use is located, usually within a radius of 20 miles.

1. Membership warehouse clubs that are retail in nature, provided that service uses appurtenant to a principal permitted use do not exceed 10% of the gross floor area of the building in which they are located;

2. General retail establishments, such as discount stores, department stores, large-scale sporting goods, home building supply, electronics, drug stores, and similar establishments;

3. Tenant, employee, and patron parking facilities appurtenant to a principal permitted use and consistent with the requirements of section 18.19.060;

4. Administrative office uses appurtenant to a principal permitted use, provided that they do not exceed 25% of the gross floor area of the building in which they are located. (Ord. 89-1 §1, 1989)

Section 18.19.030. Conditional Uses.

A. Any use permitted under section 18.19.020 which is less than 2,000 square feet.

B. Retail, service, or general commercial uses, limited to the following uses:

Retail

1. Accessory uses appurtenant to a principal permitted use, including but not limited to incidental storage facilities;

2. Antique shops;
3. Art galleries;
4. Cake shops when operated in conjunction with a retail store;
5. Electrical and household appliances;
6. Feed and grain store;
7. Food preparation and food-serving establishments, including fast food, subject to the provisions of section 18.62.170 of the municipal code;
8. Furniture store, provided that the service uses do not exceed 10 percent of the gross floor area of the building in which the use is located;
9. General hardware retail sales and service (including, but not limited to, building, heating, cabinet, painting, plumbing, electrical) provided that the service uses do not exceed 10 percent of the gross floor area of the building in which the use is located;
10. Gift shops;
11. Hobby supply stores;
12. Jewelry stores with incidental repairs;
13. New automobile sales and incidental service and repairs;
14. Printing or lithographic shop;
15. Soda fountains;
16. Stationary stores;
17. Trees, Christmas;
18. Used automobile sales and incidental service and repairs when done in conjunction with new automobile sales.

Service:

19. Barber and beauty shops;
20. Child-care centers;

21. Dry cleaners;

22. Professional services (e.g., insurance, stock brokerage, real estate, banks, and related financial services);

23. Telephone booths.

Other Commercial:

24. Any other retail use which the City Council determines to be of the same general character as the above conditional uses:

25. Professional and executive offices not appurtenant to a principal permitted use;

26. Radio and television broadcasting studios. (Ord. 89-1 §1 (1989))

Section 18.19.035 Prohibited uses. The following uses are prohibited in the C-4 Regional Commercial Zoning District:

A. Extreme Value Retail Use.

B. Odd-lot/Close Out Retail Use.

C. Single Price Point Retail Use.

D. Price Point Retail Use.

(Ord. 10-01 §3-03, 2010)

Section 18.19.040. Area requirements. Lot:

A. Area: Regional Commercial Centers. A minimum site area of five (5) acres shall be provided for the entire regional commercial center, including, but not limited to, buildings, access, circulation, parking, storage areas, accessory buildings, landscaping and open space. Separate lots within the regional commercial center may be created for individual users, provided that the lots are at least 5,000 square feet and satisfy such requirements as may be imposed by the City Council to insure adequate parking and operation for the regional commercial center as a whole.

B. Width: As approved by the City Council.

C. Depth: As approved by the City Council.

D. Coverage: No requirement; subject to required parking, setbacks, landscaping,

and open space.

Building:

A. Height: Maximum building height shall not exceed fifty (50) feet.

B. Setbacks: As approved by the City Council. However, in any case, the following minimum setbacks shall be required.

Perimeter Setback:

Shall be set back a minimum of ten (10) feet from all property lines. All required setbacks shall be landscaped in accordance with an approved landscape plan. In the case of a residential or sand dune interface, the following setbacks shall be required:

Residential Interface: A minimum setback equal to the required setback in the residential zoning district. Buildings and parking areas abutting residential uses shall provide a setback equal to the yard required in the residential zoning district to which it abuts.

Sand Dune Interface: Buildings and parking abutting a large sand dune area shall be set back as determined by a qualified botanist. A written determination from the botanist shall be submitted with the site plan. (Ord. 89-1 §1, 1989)

Section 18.19.050. Other requirements.

A. All uses shall be conducted wholly within a completely enclosed building, except for service stations, screened service areas, public utility substations, and off-street parking and loading facilities; except that the City Council may permit the outdoor operation of any permitted use by approving a conditional use permit therefor;

B. Off-street parking and loading facilities shall be required for all uses, as provided in chapter 18.64;

C. Applicable fence height limits and other regulations relating to fences and hedges are contained in section 18.62.060;

D. A site plan approval by the City Council is required for all new development proposals, including all exterior alterations. The City Council may condition site plan approvals. Site plans for grocery stores shall include provisions for recycling facilities. As a part of site plan approval, all areas containing designated environmentally sensitive habitat shall be permanently maintained in a scenic easement or some other device acceptable to the City Council;

Landscape plan approval by the City Council is required for all development proposals. The development proposal shall include a minimum of five percent (5%) of the project site devoted to landscaping, exclusive of dedicated areas. Design Control (DC) regulations apply. (Ord. 89-1 §1, 1989)

Chapter 18.20

M-MANUFACTURING/INDUSTRIAL DISTRICT

Sections:

18.20.010 Purpose.

18.20.020 Principal permitted uses.

18.20.030 Conditional uses.

18.20.040 Uses prohibited in the M district.

18.20.050 Other required conditions and provisions.

18.20.060 Development standards.

18.20.010 Purpose. The purpose of the M district is to provide land for a wide range of manufacturing, wholesale and other industrial-related activities. The M district would accommodate those uses where noise, glare, outdoor storage, heavy trucking and rail operations and other similar factors are common and which should be set off from other activities, particularly residential, which would be adversely affected by these characteristics. (Ord. 84-1 §11-1, 1984)

18.20.020 Principal permitted uses. Principal permitted uses in the M district are as follows:

- A. Manufacture, processing, storage and packaging of food, concrete, asphaltic concrete, sand, gravel and storage of petroleum based products;
- B. Fish and meat packing;
- C. Wholesaling, storage, warehousing and heavy equipment storage;
- D. Printing, publishing and bookbinding plants;
- E. Railroad terminal facilities, truck depots;
- F. Public utility buildings and substations;

G. Uses appurtenant to a permitted use such as offices, storage, repair and maintenance;

H. Existing residential units shall remain as conforming uses in the M district, and will be allowed accessory uses, buildings and mobile homes as deemed appropriate by the city council. Site plans will be required for all construction or physical alterations in the M district. (Ord. 84-1 §11-2, 1984)

18.20.030 Conditional uses. Conditional uses permitted in the M district are as follows:

A. Public and quasi-public uses appropriate in the M district;

B. Retail commercial uses such as restaurants and service stations necessary for service to uses within the district;

C. Any other manufacturing/ industrial uses deemed appropriate for the M district by the city council;

D. Other manufacturing, assembly, processing and packaging or other industrial operations when, in the determination of the council, all resulting dust, dirt, cinders, fumes, gases, smoke and odor shall be confined effectively to the premises or so disposed of as to avoid air pollution, and where any noise, vibration or flashing is not normally unreasonable;

E. 1. Allow construction of secondary rental units as part of new commercial and industrial developments and as part of existing residential units after city review per the following criteria:

a. Limit amount of residential square footage per commercial/industrial square footage so no more than fifty percent of the total commercial/ industrial square footage shall be residential,

b. Limit maximum size of a secondary unit, such as to six hundred fifty square feet,

c. Require that the residential unit be suitable for living with regard to all health and safety requirements, noise conditions of surrounding uses, etc.,

d. Acknowledge priority of commercial/industrial uses by requiring that a statement be issued to potential renters advising them of potential nuisances of surrounding uses, and that subsequent complaints may not be valid. The statement will be provided by the city,

e. At least one parking space per unit is provided and any traffic concerns

addressed. The parking requirement may be waived for one unit if dual parking use is feasible,

- f. Projects will be evaluated on a case-by-case basis, utilizing these criteria.
- 2. As an incentive allow a waiver of development tax, plan check and building permit fees up to two thousand dollars for construction of a secondary residential rental unit. Require that secondary units be used for rental purposes only. Require a minimum five-year residential rental period through deed restriction if a waiver of fees has been granted by the city. (Ord. 84-1 §11-3, 1984)

18.20.040 Uses prohibited in the M district. Uses prohibited in the M district are as follows:

- A. Production of coal, coke and tar;
- B. Production of dry fertilizers, gelatine, animal glue and sizing;
- C. Production of turpentine, matches and paint;
- D. The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products such as kerosene, gasoline, naphtha and lubricating oil; distillation of wood or bones; or tanning of raw, green or salted hides of skins;
- E. Stockyards, slaughterhouses;
- F. Storage of fireworks or explosives. (Ord. 84-1 §11-4, 1984)

18.20.050 Other required conditions and provisions. Other required conditions and provisions in the M district are as follows: applicable fence height limits and other regulations relating to fences and hedges are contained in Sections 18.62.050 and 18.62.060;

Site plan approval is required for all construction or physical alterations in the M district. The city council shall consider architectural style and landscape treatment as a condition of site plan approval. (Ord. 84-1 §11-5, 1984)

18.20.060 Development standards. Development standards in the M district are as follows:

- A. Off-street parking and loading requirements:
 - 1. Off-street parking and loading requirements are contained in Chapter 18.64;

2. Where a building located in the manufacturing district is to be used for a non-manufacturing operation such as, but not limited to, wholesale and storage uses, parking for a more intense manufacturing use shall be provided on-site or at another off-street location thereto at the time of conversion to such a use.

B. Area and yard requirements:

Minimum Area 3,750 sq. feet

Yards:

Front* 20

Rear & Side 0

Floor Area Ratio 1.0

* Corner lot setbacks are subject to review by the city council.

Covered or uncovered loading docks may be located within required yards.

C. Existing Nonconforming Uses. Those uses existing at the time of enactment of the ordinances codified in this title, which are nonconforming in nature may continue in operation. A building that is dimensionally nonconforming in a specific yard or yards may be expanded into that yard or yards to the extent of existing nonconformance; provided, that occupants of such a building shall file a site plan of their entire property showing all buildings then existing thereon with the first application for expansion thereof following enactment of this section.

D. Design control district regulations apply;

E. Height requirement: maximum seventy-five feet. (Ord. 84-1 §11-6, 1984)

Chapter 18.21

PF Public Facilities District

Sections:

18.21.010 Purpose.

18.21.020 Permitted uses.

18.21.030 Conditional Uses.

18.21.040 Height Regulations.

18.21.050 Minimum Requirements.

18.21.060 Other Required Conditions.

18.21.010 Purpose. The PF, public facilities, district is intended to accommodate governmental public utility, educational and community service or recreational facilities. The PF district is to be applied to existing public facilities as identified by the general plan and other areas where deemed appropriate.

18.21.020 Permitted uses. Permitted uses in the PF district are as follows:

A. All facilities owned or leased and operated or used by the city, the county, the state, the government of the United States or the Monterey Peninsula Unified School District.

18.21.030 Conditional Uses. The following uses may be conditionally allowed in the PF district, subject to issuance of a conditional use permit in accordance with Chapter 18.74 of this title:

- A. Facilities of all public utilities, as defined in the Public Utilities Code of the state, and corporations or other organizations whose activities are under the jurisdiction of the Federal Communications Commission or the Interstate Commerce Commission;
- B. Private educational facilities;
- C. Day Care Centers;
- D. Business or trade schools;
- E. Outdoor recreation services;
- F. Churches, lodges and assembly halls;
- G. Any other use which the City Council finds to be of a similar nature to permitted or conditional uses specified in this chapter for the PF zoning district.

18.21.040 Minimum Requirements.

The following site development regulations shall apply in the PF district:

- A. Minimum lot area: 3,750 square feet.
- B. Maximum building coverage: 60 percent.
- C. Minimum setbacks: as determined by site plan review and approval by the City Council or the Design Review Committee for lots within the East Dunes Planning Area.
- D. Maximum height: three stories of thirty-five feet.
- E. Parking requirements: As specified in Chapter 18.64 of this title;
- F. Areas used for outdoor storage shall meet the minimum design standards applicable to off-street parking facilities with respect to paving, grading, drainage, access to public streets, safety and protective features, lighting, landscaping and

screening.

G. Signs shall be regulated as specified in Chapter 18.66 of this title.

18.21.050 Other required conditions.

A. Design permit shall be required for all new construction and significant remodeling of existing structures within the PF zoning district. (Ord. 05-03, 2005)

Chapter 18.22

CZ R-2 COASTAL ZONE RESIDENTIAL, MEDIUM DENSITY DISTRICT

Sections:

18.22.010 Purpose.

18.22.020 Permitted uses, subject to coastal development permit approval.

18.22.030 Height regulations.

18.22.040 minimum requirements.

18.22.050 Other required conditions.

18.22.010 Purpose. The purpose of the CZ R-2 district is to stabilize and protect the residential characteristics of the district, to promote and encourage a suitable environment for family life, and to encourage clustered multiple family attached structures at medium density. (Ord. 84-1 §13-1, 1984; Ord. 04-03, 2004)

18.22.020 Permitted uses, subject to coastal development permit approval.

Permitted uses in the CZ R-2 district, subject to coastal development permit approval are as follows:

A. Clustered multiple family attached structures at medium density, subject to submittal and approval of Planned Unit Development (PUD) application, and public recreation areas. For Assessor's Parcel Number (APN) 011-501-014, allow all permitted uses in the medium density designation to be intermixed with other types of units or uses allowed on the parcel under the Visitor Serving Commercial, Visitor Serving Residential, and Medium Density Residential zoning designations, subject to an overall site development plan for the entire parcel, such that the proportion of residential uses relative to the specified acreage in the LCP Land Use Plan is not increased, but encourage clustered multifamily attached structures at medium density.

For APN 011-501-014, Medium Density Residential development shall not exceed

175 units at a maximum of 25 units per acre on 7 acres.

- B. Duplex units;
- C. Modular and mobile homes;
- D. Single-family dwellings;
- E. Public uses within development projects such as picnic areas, wind shelters, promenades or other indoor public recreational area uses where outdoor recreation may not be favorable. (Ord. 97-04 §2, 1997; Ord. 84-1 §13-2, 1984)

18.22.030 Height regulations. No building in the CZ R-2 district shall exceed thirty-six feet as measured from the existing grade. All development within one hundred feet of the freeway right-of-way (considered as the main thoroughfare right-of-way, excluding on/off ramps) shall be designed so as to minimize significant adverse visual impacts and shall be limited to twenty-five feet in height. Views over development, as specified in the local coastal land use plan, shall be preserved by limiting heights as necessary to assure compliance with policies contained in the local coastal land use plan. (Ord. 84-1 §13-3, 1984)

18.22.040 Minimum requirements. Minimum requirements in the CZ R-2 district are as follows:

- A. Density: allow fourteen to twenty-five dwelling units per acre;
- B. The following minimum requirements shall be observed unless clustered development is proposed:
 - 1. Percentage of building site coverage, sixty percent,
 - 2. Minimum front yard setback, five feet,
 - 3. Minimum side yard setback, zero feet,
 - 4. Minimum rear yard setback, ten feet,
 - 5. Parking spaces required, two per dwelling unit (covered),
 - 6. Maximum driveway width, twelve and one-half feet;
- C. Clustered development shall be subject to planned unit developments (PUD) applications and approval, including requirements of this CZ R-2 district (other than subsection B of this section) and the policies and requirements of the coastal land use plan. (Ord. 84-1 §13-5, 1984)

18.22.050 Other required conditions. Other required conditions in the CZ R-2 district are as follows:

- A. Coastal development permit required; CZ district regulations apply;
- B. Off-street parking required for all uses as indicated in this chapter. (Ord. 84-1 §13-5, 1984)

Chapter 18.24

CZ R-3 COASTAL ZONE RESIDENTIAL, HIGH DENSITY DISTRICT

Sections:

18.24.010 Purpose.

18.24.020 Permitted uses, subject to coastal development permit approval.

18.24.030 Height regulations.

18.24.040 Minimum requirements.

18.24.050 Other required conditions.

18.24.010 Purpose. The purpose of the CZ R-3 district is to stabilize and protect the residential characteristics of the district and to promote planned unit developments that encourage small lot consolidation, provision of open space, and provision of residential units in a suitable environment for family life. (Ord. 84-1 §14-1, 1984, Ord. 04-03, 2004)

18.24.020 Permitted uses, subject to coastal development permit approval. Permitted uses in the CZ R-3 district, subject to coastal development permit approval are as follows:

- A. Clustered multifamily attached structures at high density subject to a PUD application;
- B. Duplex units;
- C. Single-family dwellings;
- D. Modular and mobile homes;
- E. Public uses within development projects such as picnic areas, wind shelters, promenades or other indoor public recreational area uses where outdoor recreation may not be favorable. (Ord. 84-1 §14-2, 1984)

18.24.030 Height regulations. No building in the CZ R-3 district shall exceed thirty-six feet as measured from the existing grade. All developments within one hundred feet of the freeway right-of-way (considered as the main thoroughfare right-of-way, excluding on/off ramps) shall be designed so as to minimize significant adverse visual impacts and shall be limited to twenty-five feet in height. (Ord. 84-1 §14-3, 1984)

18.24.040 Minimum requirements. Minimum requirements for the CZ R-3 district are as follows:

A. Density: allow twenty-five to thirty-five dwelling units per acre. In areas designated as special treatment area zone (where a PUD is applied for), the following standards shall apply as incentives for lot consolidation:

1. Allow one dwelling unit per existing recorded lot (recorded as of 1981) between one thousand eight hundred seventy-five and two thousand two hundred fifty square feet;
2. Allow two dwelling units per every two thousand two hundred fifty square feet, but only for existing recorded lots (recorded as of 1981) greater than two thousand two hundred fifty square feet or for lots that are consolidated to create new lots greater than two thousand two hundred fifty square feet.

B. The following minimum requirements shall be observed unless clustered development is proposed:

1. Percentage of building site coverage
 - a. Single story, seventy percent,
 - b. Multistory, sixty-five percent;
2. Minimum front yard setback, five feet;
3. Minimum side yard setback, zero feet;
4. Minimum rear yard setback, fifteen feet;
5. Driveway width, seventeen feet;
6. Parking spaces required per unit:
 - a. Two or fewer bedrooms, one and one-half. spaces per dwelling unit,

b. Three or more bedrooms, two spaces per dwelling unit;

C. Clustered developments shall be subject to planned unit development (PUD) application and approval, including requirements of this zoning district, other than subsection B of this section, and the policies and requirements of the local coastal land use plan. (Ord. 84-1 §14-4, 1984)

18.24.050 Other required conditions. Other required conditions in the CZ R-3 district are as follows:

A. Coastal development permit required; CZ district regulations apply;

B. Off-street parking required for all uses as indicated in this chapter. (Ord. 84-1 §14-5, 1984)

Chapter 18.26

CZ MU-P COASTAL ZONE PLANNED MIXED-USE DISTRICT

Sections:

18.26.010 Purpose.

18.26.020 Permitted Uses.

18.26.030 Accessory Uses.

18.26.040 Conditional Uses.

18.26.050 Area and Setback Requirements.

18.26.060 Other Required Conditions.

18.26.010 Purpose. The purpose of the CZ-MU-P district is to: (a) Implement the Sand City General Plan land use policies relating to the mixed use classification illustrated on the General Plan Diagram; (b) encourage development and redevelopment of mixed residential, commercial and light-industrial uses that ensure land use compatibility; (c) encourage the creation of living wage jobs; (d) provide for the continued availability of light manufacturing and commercial businesses; (e) provide opportunities for office development where it will not unduly interfere with light manufacturing and commercial uses; (f) allow on-site ancillary retail use to maintain and enhance the economic viability of manufactures, artists and artisans in the district; (g) allow buildings and site areas where living and working environments can be combined in an effort to reduce work commutes and provide for a more lively area of town; and (h) establish a coastal development/use permit procedure for all new and proposed commercial, light industrial, and residential uses

within the district to insure land use compatibility and real estate marketability. (Ord. 04-03, 2004)

18.26.020 Permitted uses. Subject to Coastal Development Permit approval are:

A. All legal businesses and uses existing within the MU-P district at the time of adoption of this ordinance shall be considered permitted uses, but only on the sites they currently occupy. All businesses and uses with existing coastal development permits at the time of adoption of this ordinance shall be allowed to continue as a use permitted by a coastal development permit, and only on the site they currently occupy. Expansion of any of these uses beyond their current locations will require coastal development permit approval by the City Council and will be subject to the CZ-MU-P development standards and land use compatibility requirements.

B. Expansion of existing commercial and industrial uses on-site or substantial remodeling or renovation resulting in more than a twenty-five percent (25%) increase in floor area or building coverage shall require the issuance of a coastal development permit and will subject the entire commercial or industrial use to the current site development standards of the MU-P district. (Ord. 04-03, 2004)

18.26.030 Accessory uses. Accessory uses in the MU-P district are uses and buildings that are customarily appurtenant to a permitted or conditional use. (Ord. 04-03, 2004)

18.26.040 Conditional uses. Subject to the issuance of a coastal development permit from the City Council, are:

- A. Public or quasi-public uses;
- B. Commercial recreation
- C. Light-manufacturing
- D. Live/Work units at a density no greater than 1 unit/1875 square feet of lot area.
- E. Art/Craft Studios
- F. Laboratories, motion picture studios, photo processing
- G. Open Air Markets
- H. Brew pubs
- I. Retail establishments;
- J. Restaurants;
- K. Bakeries;
- L. Service commercial;
- M. Hotels, motels, inns;
- N. Medical and professional offices;
- O. Single-family and multi-family development at a density no greater than one (1) unit per 1,875 square feet of lot area.
- P. Any other use the City Council finds to be consistent with the goals and policies of the Sand City General Plan and the purposes of this district. (Ord. 04-03,

2004)

18.26.050 Area and setback requirements. Area and setback requirements in the CZ-MU-P district are:

A. No parcel or lot created after January 17, 1984 shall have an area of less than 3,750 square feet; provided, however, that the minimum land area of a parcel or lot in the CZ-MU-P district created after January 17, 1984 and improved with a single-family residence shall be 1,875 square feet;

B. Minimum front yard setback: as approved by site plan review of the City Council;

C. Minimum side and rear yard setbacks: as approved by site plan review of the City Council. (Ord. 04-03, 2004)

18.26.060 Other Required Conditions.

A. Applicable fence height limits and other regulations as contained in Sections 18.62.050 and 18.62.060;

B. Site plan approval by the City Council is required for all construction and physical alterations in the CZ-MU-P district;

C. On-site parking and loading facilities required for all uses, as provided in Chapter 18.64;

D. Height Limitations: Maximum sixty feet (60-ft);

E. Design Review Regulations apply;

F. A coastal development permit shall be required for all construction and physical alterations in the CZ-MU-P district where said district falls within the coastal zone boundaries of the City. In such cases, these areas shall be shown on the zoning map as CZ-MU-P, and uses within this area shall be subject to the same limitations as referenced herein;

G. In order to determine if proposed new businesses and residential uses within the CZ-MU-P district are compatible with ambient conditions, the following additional submittals may be required as part of the conditional use permit, coastal development permit, or site plan review process: (1) material safety data sheets; (2) fire department approval and agreement to annual inspections if hazardous materials are involved with the proposed use; and (3) an acoustical analysis by a licensed acoustical engineer. Above-standard sound proofing may be required to ensure compatibility with nearby or planned residential uses. (Ord. 04-03, 2004)

Chapter 18.28

CZ VSC COASTAL ZONE VISITOR SERVING COMMERCIAL DISTRICT

Sections:

18.28.010 Purpose.

18.28.020 Permitted uses, subject to coastal development permit approval.

18.28.030 Height regulations.

18.28.040 Minimum requirements.

18.28.050 Other required conditions.

18.28.010 Purpose. The purpose of the CZ VSC district is to promote and design the orderly development of a commercial business area to serve the needs of coastal visitors and to encourage development of such facilities that provide services to meet a range of visitor needs. (Ord. 84-1 §15-1, 1984)

18.28.020 Permitted uses, subject to coastal development permit approval. Permitted uses in the CZ VSC district, subject to coastal development permit approval are as follows:

A. Hotels, motels, vacation clubs/timeshares, public recreation areas, and accessory shops (such as gift shops, travel agencies, beauty shops, etc.) and any other visitor-serving use as determined by the City Council to serve the purpose of this district. Vacation clubs/timeshares are defined as accommodation facilities with guest or owner stays limited to not more than 29 consecutive days, and not more than a total of 84 days in each calendar year. For projects involving the development of vacation clubs/timeshares, the property owner shall be required to record a deed restriction prior to the issuance of a coastal development permit, indicating the length of stay limitations and that the project is a visitor--serving use available to the general public through a rental pool program when not in use by vacation club/timeshare owners or members. For Assessor's Parcel Number (APN) 011-501-014, where other uses are allowed, those uses under the Visitor-serving Residential and Residential Medium Density zoning designations may be intermixed, subject to an overall site development plan for the entire parcel such that the proportion of visitor-serving uses relative to the specified acreage in the LCP Land Use Plan is not decreased.

For APN 011-501-014, Visitor-Serving Commercial development shall not exceed a maximum of 375 hotel/vacation club/timeshare units on 17 acres. All other visitor-serving commercial uses shall be limited according to the water allocation presented in Appendix F of the LUP.

B. Food service establishments, service stations, recreation retail shops and services (such as bike rentals);

C. Campgrounds, recreational vehicle parks, and other recreational facilities operated as a business and open to the general public for a fee.

D. Public uses within development projects such as picnic areas, wind shelters, promenades or other indoor public recreational area uses where outdoor recreation may not be favorable. (Ord. 97-04 §2, 1997; Ord. 84-1 §15-2, 1984)

18.28.030 Height regulations. No building in the CZ VSC district shall exceed thirty-six feet as measured from the existing grade except hotel uses shall be permitted variation in height to forty-five feet. All development within one hundred feet of the freeway right-of-way (considered as the main thoroughfare right-of-way, excluding on/off ramps) shall be designed so as to minimize significant adverse visual impacts and shall be limited to twenty-five feet in height. Views over development, as specified in the local coastal land use plan, shall be preserved by limiting heights as necessary to assure compliance with policies contained in the local coastal land use plan. (Ord. 84-1 §15-3, 1984)

18.28.040 Minimum requirements. Minimum requirements in the CZ VSC district are as follows:

A. Density. For visitor serving hotels, allow up to seventy-five rooms per acre. The number of hotel rooms shall be limited as follows:

Area Designated on Zoning Map	Maximum Rooms Allowed
CZ-VSC-B	375
CZ-VSC-C	0
CZ-VSC-D	375

For visitor serving motels, allow up to thirty-seven rooms per acre to be limited as follows:

Area Designated on Zoning Map	Maximum Rooms Allowed
CZ-VSC-a	229
CZ-VSC-b	141

B. The following minimum requirements shall be observed:

1. Require PUD application for visitor serving commercial developments;
2. Parking shall be provided in accordance with Chapter 18.64, except as otherwise indicated in this section;

3. Parking spaces required: the number of off-street parking spaces shall be required as set forth below in this section. In applying these requirements, the term "floor area" means the gross floor area within the exterior walls of any building or structure.

- a. Dancehalls and assembly halls without fixed seats, one space for each one hundred square feet of floor area used for assembly or dancing,
- b. Hotels, motels, one space for each room,
- c. Campgrounds and recreational vehicle parks, one space for each sleeping area,
- d. Restaurants, taverns and nightclubs, one space of each fifty square feet where the capacity is not determined by a fixed number of seats; otherwise one space for each two and one-half seats,
- e. Retail shops, stores and other visitor serving commercial uses, one space per three hundred square feet of floor area,
- f. Public parking: In addition to on-site parking requirements for each specific use, an additional ten percent of the project's total required parking shall be required for public parking either on-site or at another location that would serve to benefit public access, with the location to be subject to city council approval;

4. Signing, fencing and landscaping shall be in accordance with coastal zone requirements and Chapters 18.62, 18.64 18.66, 18.70 and 18.72.

C. Dune restoration programs are required as indicated on the zoning map and per the habitat restoration (HR zone) and LUP Standards. (Ord. 84-1 §15-4, 1984)

18.28.050 Other required conditions. Other required conditions in the CZ VSC district are as follows:

- A. Coastal development permit required; CZ district regulations apply;
- B. Off-street parking required for all uses as indicated above;
- C. Location of any uses permitted in this CZ VSC district shall not preclude the establishment of a CZ-CD district according to permitted uses of the CZ-CD district and shall not prohibit access to such a use. (Ord. 84-1 §15-5, 1984)

Chapter 18.30

CZ VS R-2 COASTAL ZONE VISITOR SERVING RESIDENTIAL, MEDIUM DENSITY DISTRICT

Sections:

- 18.30.010 Purpose.**
- 18.30.020 Permitted uses, subject to coastal development permit approval.**
- 18.30.030 Height regulations.**
- 18.30.040 Minimum requirements.**
- 18.30.050 Other required conditions.**

18.30.010 Purpose. The purpose of the CZ VS R-2 district is to promote visitor serving residential timeshare uses. (Ord. 84-1 §17-1, 1984; Ord. 04-03, 2004)

18.30.020 Permitted uses, subject to coastal development permit approval.

Permitted uses in the CZ VS R-2 district, subject to coastal development permit approval are as follows:

A. Cluster multiple family structures with a rental pool at medium density subject to Planned Unit Development (PUD) application and approval, and public recreation areas. For Assessor's Parcel Number (APN) 011-501-014, allow all permitted uses in the Visitor-Serving Residential, Medium Density designation to be intermixed with other types of units or uses permitted on the parcel under the Visitor-Serving Commercial and Residential Medium Density zoning designations, subject to an overall site development plan for the entire parcel, such that the proportion of residential uses relative to the specified acreage in the LCP Land Use Plan is not increased.

For APN 011-501-014, Visitor-Serving Residential, Medium Density development shall not exceed 100 units maximum at a maximum density of 25 units per acre on 4 acres.

B. Public uses within development projects such as picnic areas, wind shelters, promenades or other indoor public recreational area uses where outdoor recreation may not be favorable. (Ord. 97-04 §2, 1997; Ord. 84-1 §17-2, 1984)

18.30.030 Height regulations. No building in the CZ VS R-2 district shall exceed thirty-six feet as measured from the existing grade. All development within one hundred feet of the freeway right-of-way (considered as the main thoroughfare

right-of-way, excluding on/off ramps) shall be designed so as to minimize significant adverse visual impacts and shall be limited to twenty-five feet in height. Views over development, as specified in the local coastal land use plan, shall be preserved by limiting heights as necessary to assure compliance with policies contained in the local coastal land use plan. (Ord. 84-1 §17-3, 1984)

18.30.040 Minimum requirements. Minimum requirements in the CZ VS R-2 district are as follows:

- A. Density: allow fourteen to twenty-five dwelling units per acre;
- B. Parking spaces required: one and one-half per dwelling unit (covered); parking standards for units constructed as fee simple shall be the same as those in the coastal zone residential, medium density district;
- C. Clustered development shall be subject to planned unit development (PUD) application and approval, including requirements of this CZ VS R-2 district, and the policies and requirements of the coastal land use plan;
- D. All uses within this district shall be visitor serving timeshare units and shall be restricted to purchase in thirty-one-day maximum increments and to occupancy for thirty-one-day maximum periods with the following exception: units may be constructed as fee simple specifically to accommodate the transfer of density credit program as established in the local coastal land use plan;
- E. Dune restoration programs are required as indicated on the zoning map and per the habitat restoration (HR) zone and LUP Standards. (Ord. 84-1 §17-4, 1984)

18.30.050 Other required conditions. Other required conditions in the CZ VS R-2 district are as follows:

- A. Coastal development permit required; CZ district regulations apply;
- B. Off-street parking required for all uses as indicated in this chapter. (Ord. 84-1 §17-5, 1984)

Chapter 18.32

CZ-EDA COASTAL ZONE EAST DUNES AREA DISTRICT

Sections:

18.32.010 Purpose.

18.32.020 Development Summary.

18.32.010 Purpose. Future planning for the East Dunes area of the City is intended to create an attractive, residential enclave consisting primarily of coastal style two-story residences with intimate streets and coastal-tolerant landscaping. It is anticipated that a majority of the residential units will be single family; however, multiple family residential units and/or mixed use residential/professional office uses may also be integrated into the development design. All development types will be required to adhere to design standards and guidelines.

Development may occur as a single comprehensive project or smaller individual projects. Lot consolidation is encouraged to facilitate desired design features and circulation layouts. If development occurs through smaller individual projects, transitions between existing and proposed developments must be considered so that a cohesive neighborhood environment is ultimately created. Particular attention should also be given to primary entrances into this neighborhood. (Ord. 04-03, 2004)

18.32.020 Development Summary. Densities in the East Dunes area will range from nine (9) to twenty (20) dwelling units per net acre with a maximum building coverage of 0.60. Building heights will be limited to three stories (36-feet), consistent with this document. Planned Unit Developments (PUD) of higher density may also be allowed, subject to City Council approval.

The East Dunes area is anticipated to accommodate approximately 29 dwelling units. Secondary units may be permitted in accordance with State law and applicable City codes. It is anticipated that approximately 19,400 square feet of professional office space will be integrated into the residential neighborhood. (Ord. 04-03, 2004)

Chapter 18.34

CZ C-1 COASTAL ZONE LIGHT COMMERCIAL DISTRICT

Sections:

- 18.34.010 Purpose.**
- 18.34.020 Permitted uses, subject to coastal development permit approval.**
- 18.34.030 Accessory Uses, subject to coastal development permit approval.**
- 18.34.040 Conditional uses, subject to coastal development permit approval.**
- 18.34.050 Height regulations.**
- 18.34.060 Minimum requirements.**
- 18.34.070 Other required conditions.**

18.34.010 Purpose. The purpose of the CZ C-1 district is to provide for a light commercial district with commercial uses and services to service the entire city and local area. (Ord. 97-03 §1, 1997; Ord. 84-1 §18-1, 1984)

18.34.020 Permitted uses, subject to coastal development permit approval. Permitted uses in the CZ C-1 district, subject to coastal development permit approval are as follows:

- A. Stores, shops and offices supplying commodities or performing services for residents of the city as a whole or surrounding communities.
- B. Garages, including those having facilities for automobile storage and minor repairs, as defined herein and commercial parking lots;
- C. Telephone booths and communication equipment buildings;
- D. Administrative or executive offices;
- E. Hotels and motor hotels;
- F. Retail business and service establishments, such as:
 - 1. Automobile parts and accessories,
 - 2. Electrical and household appliances, and
 - 3. General hardware merchandise;
- G. New automobile sales;
- H. Restaurants, cocktail lounges, theatres and similar enterprises;
 - 1. Any other retail business or service establishment which the City Council finds to be consistent with the purpose of this chapter and which will not impair the present or potential use of adjacent properties;

J. Existing residential units shall remain as conforming uses in the CZ C-1 district and will be allowed accessory uses, buildings and mobile homes as deemed appropriate by the City Council. Site plans will be required for all construction or physical alterations in the CZ C-1 district. (Ord. 97-03 §1, 1997; Ord. 96-05, 1996)

18.34.030 Accessory Uses, subject to coastal development permit approval.

Accessory uses in the CZ C-1 district, subject to coastal development permit approval are as follows:

Accessory uses and buildings customarily appurtenant to a permitted use. (Ord. 97-03 §1, 1997; Ord. 96-05, 1996)

18.34.040 Conditional uses, subject to coastal development permit approval.

Conditional uses in the CZ C-1 district, subject to coastal development permit approval are as follows:

- A. Public and quasi-public uses appropriate in the light commercial district;
- B. Bakeries, creameries, retail laundries, cleaning and dyeing establishments;
- C. Nightclubs, bowling alleys, dancehalls, and roller skating rinks;
- D. Used car sales within an enclosed building;
- E. Automobile service stations;
- F. Sidewalk cafes;
- G. Printing and publishing or lithographic shops;
- H. Public utility substations;
- I. 1. Allow construction of secondary rental units as part of new commercial and industrial developments and as part of existing residential units after City review per the following criteria:
 - a. Limit amount of residential square footage per commercial/industrial square footage to no more than fifty percent of the total commercial/industrial square footage.
 - b. Limit maximum size of a secondary unit to six hundred and fifty square feet (650 s.f.).

c. Require that the residential unit be suitable for living with regard to all health and safety requirements, noise conditions of surrounding uses, etc.

d. Acknowledge priority of commercial/industrial uses by requiring that a statement be issued to potential renters advising them of potential nuisances of surrounding uses, and that subsequent complaints may not be valid. The statement will be provided by the City.

e. At least one parking space per unit is provided and any traffic concerns are addressed. The parking requirement may be waived for one unit if dual parking use is feasible.

f. Projects will be evaluated on a case-by-case basis, utilizing the above criteria.

2. As an incentive, allow a waiver of building development fee, plan check and building permit fees up to two thousand dollars, for construction of a secondary residential rental unit. Require that secondary units be used for rental purposes only. Require a minimum of five-year residential rental period through a deed restriction if a waiver of fees has been granted by the City. (Ord. 97-03 §1, 1997; Ord. 96-05, 1996)

18.34.050 Height reputations. No building in the CZ C-1 district shall exceed thirty-six (36) feet in height as measured from the existing grade. All development within one hundred feet of the freeway right-of-way (considered as the main thoroughfare right-of-way, excluding on/off ramps) shall be designed to minimize adverse visual impacts and shall be limited to twenty-five feet in height. (Ord. 97-03 §1, 1997; Ord. 96-05, 1996)

18.34.060 Minimum requirements. Allow 40 percent (40%) lot coverage except in Special Treatment zone allow 45% lot coverage for existing lots over 12,000 square feet, or where lot consolidation occurs to create lots over 12,000 square feet and where cluster development is provided. (Ord. 97-03 §1, 1997; Ord. 96-05, 1996)

18.34.070 Other required conditions. Other required conditions in the CZ C-1 district are as follows:

A. Coastal development permit required; coastal zone combining district regulations apply;

B. Off-street parking, signing, fencing, and landscaping shall be in accordance with coastal zone requirements and applicable implementation plan sections related to these topics;

C. In a CZ C-1 district directly across a street or thoroughfare from any R district designated for future residential use in the local coastal plan or general plan, the parking and loading facilities shall maintain an average distance of eight feet from such street. (Ord. 97-03 §1, 1997; Ord. 96-05, 1996)

Chapter 18.38

CZ C-4 COASTAL ZONE LIGHT COMMERCIAL DISTRICT

Sections:

- 18.38.010 Purpose.**
- 18.38.020 Permitted Uses.**
- 18.38.030 Prohibited Uses.**
- 18.38.040 Minimum Requirements.**

18.38.010 Purpose. To provide location and performance standards for regional commercial centers that provide retail, service, and general commercial uses designed to reflect the historical, cultural, and physical character of the area. (Ord. 04-03, 2004)

18.38.020 Permitted uses. Permitted uses subject to Coastal Development Permit approval are: Retail and Service uses that attract customers from within and outside the community, usually within a radius of 20 miles. Primary uses include membership warehouse clubs that are retail in nature, discount stores, department stores, retail factory outlets, large-scale sporting goods stores, home/building supply establishments, electronics and large-scale drug stores. Other smaller retail, restaurant, service, and entertainment establishments may be considered in conjunction with a larger development. Projects generally include a unifying architectural theme, site plan layout, landscaping design, and internal traffic circulation system. (Ord. 04-03, 2004)

18.38.030 Prohibited uses. New mini-storage, warehouse storage, and moving van storage uses are prohibited. (Ord. 04-03, 2004)

18.38.040 Minimum requirements. Maximum height and lot coverages are 50-feet and 0.80, respectively. (Ord. 04-03, 2004)

Chapter 18.40

CZ M COASTAL ZONE INDUSTRIAL MANUFACTURING DISTRICT

Sections:

- 18.40.010 Purpose.**
- 18.40.020 Permitted uses, subject to coastal development permit approval.**
- 18.40.030 Conditional uses, subject to coastal development permit approval.**
- 18.40.040 Secondary uses, subject to coastal development permit approval.**
- 18.40.050 Uses prohibited in the CZ M district.**
- 18.40.060 Height regulations.**
- 18.40.070 Minimum requirements.**
- 18.40.080 Other required conditions.**

18.40.010 Purpose. The purpose of the CZ M district is to provide land for a wide range of manufacturing, wholesale and other industrial-related activities. (Ord. 84-1 §21-1, 1984)

18.40.020 Permitted uses, subject to coastal development permit approval. Permitted uses in the CZ M district, subject to coastal development permit approval are as follows:

A. Manufacture, processing, removal, storage and packaging of foods, concretes, sands, gravels and heavy equipment;

B. All permitted uses allowed in the M district. (Ord. 84-1 §21-2, 1984)

18.40.030 Conditional uses, subject to coastal development permit approval. Conditional uses in the CZ M district, subject to coastal development permit approval are as follows:

All conditional uses allowed in the M district. (Ord. 84-1 §21-3, 1984)

18.40.040 Secondary uses, subject to coastal development permit approval. Secondary uses in the CZ M district, subject to coastal development permit approval are as follows:

On those parcels which are dual designated as provided in the land use plan, allow a secondary land use designation as indicated on the zoning map. The secondary use will be allowed after it is demonstrated to the city that the industrial use is no longer important or feasible in the regional context, and that the secondary use is consistent

with the local coastal program and coastal zone requirements. At that time uses of the coastal zone visitor serving commercial district will be permitted, according to the provisions of that district. (Ord. 84-1 §21-4, 1984)

18.40.050 Uses prohibited in the CZ M district. Uses prohibited in the CZ M district are as follows:

All uses prohibited in the M district. (Ord. 84-1 §21-5, 1984)

18.40.060 Height regulations. No building in the CZ M district shall exceed thirty-six feet in height for new developments as measured from the existing grade. Industrial uses east of Highway 1 will be permitted a maximum of seventy-five feet. Within one hundred feet of the freeway right-of-way (considered as the main thoroughfare right-of-way, excluding on/off ramps), all developments will be permitted a maximum height of twenty-five feet, except as may be necessary to accommodate repair, maintenance and replacement of existing structures (not exceeding a ten percent increase in height or floor space). Views over development, as specified in the local coastal land use plan shall be preserved by limiting heights as necessary to assure compliance with policies contained in the local coastal land use plan. (Ord. 84-1 §21-6, 1984)

18.40.070 Minimum requirements. Minimum requirements in the CZ M district are as follows:

A. Off-street parking and loading requirements:

1. Off-street parking and loading shall be provided in accordance with the requirements in Chapter 18.64;
2. Where a building located in the CZ M district is used for a non-manufacturing operation such as, but not limited to, wholesale and storage uses, and the use changes to a more intense manufacturing use, parking for a more intense manufacturing use shall be provided on-site or contiguous thereto at the time of conversion to such a use.

B. Area and yard requirements:

1. Minimum square area, three thousand seven hundred fifty square feet;
2. Front yard setback, ten feet;
3. Rear and side yard setbacks, zero feet.

C. Covered or uncovered loading docks may be located within required yard

setbacks. Public utility substations, pumping stations and other similar unmanned facilities shall not be subject to the minimum requirements of this section.

D. Existing Nonconforming Uses. Those uses existing at the time of enactment of this chapter which are nonconforming in nature may continue in operation. Time limitations will not be established for nonconforming uses. Expansion of nonconforming uses established by the local coastal program will not be allowed.

E. Dune restoration programs are required as indicated on the zoning map and per the habitat restoration (HR) zone and LUP Standards. (Ord. 84-1 §21-7, 1984)

18.40.080 Other required conditions. Other required conditions in the CZ M district are as follows:

A. Coastal development permit required; coastal zone district regulations apply;

B. Off-street parking and signing required in accordance with coastal zone requirements and Chapter 18.64;

C. Require water reclamation or recycling and encourage water reuse for landscaping wherever possible and economically feasible. (Ord. 84-1 §21-8, 1984)

Chapter 18.42

CZ IP COASTAL ZONE INDUSTRIAL PARK DISTRICT

Sections:

18.42.010 Purpose.

18.42.020 Permitted uses, subject to coastal development permit approval.

18.42.030 Height regulations.

18.42.040 Minimum requirements.

18.42.050 Outdoor storage.

18.42.060 Fence and hedge regulations.

18.42.070 Other required conditions.

18.42.010 Purpose. The purpose of the CZ IP district is to provide for a compatible mixing of certain commercial and industrial land uses into employment centers that are attractive and functional. The CZ IP district allows creation of industrial park combining zones so that special controls and exceptions can be adapted to the needs of specific industrial park locations. (Ord. 84-1 §22-1, 1984)

18.42.020 Permitted uses, subject to coastal development permit approval.

Permitted uses in the CZ IP district, subject to coastal development permit approval are as follows:

- A. Manufacturing, assembly, processing, packaging and similar industrial uses;
- B. Offices associated with a permitted use;
- C. All permitted uses allowed in the IP district. (Ord. 84-1 §22-2, 1984)

18.42.030 Height regulations. No building in the CZ IP district shall exceed thirty-six feet in height for new developments as measured from the existing grade. Industrial uses east of Highway 1 will be permitted a maximum of seventy-five feet. Within one hundred feet of the freeway right-of-way (considered as the main thoroughfare, right-of-way, excluding on/off ramps), all development will be permitted a maximum height of twenty-five feet, except as may be necessary to accommodate repair, maintenance and replacement of existing structures (not exceeding a ten percent increase in height or floor space. (Ord. 84-1 §22-3, 1984)

18.42.040 Minimum requirements. Minimum requirements in the CZ IP district are as follows:

- A. The minimum lot size, width and depth requirements will be established when the lots involved are part of a planned cluster-type development served by a common driveway and parking area;
- B. Parking requirements vary by type of land use as provided in Chapter 18.64. If no use has been designated for a parcel at the time of site plan review then the parking requirement shall be one space per five hundred square feet of gross building area. Off-street loading spaces shall be provided in accordance with Chapters 18.62 and 18.64. No parking shall be allowed in any exterior yard. Parking areas shall be either:
 - 1. Landscaped as provided in Chapter 18.62, which requires earth berm and landscape screening averaging three or more feet in height to separate parking areas and streets, or
 - 2. Separated from exterior lot lines by six foot screen fence, or
 - 3. Be in compliance with other requirements provided by the city;
- C. Landscaping shall conform to coastal zone regulations and Chapter 18.62, which requires detailed landscape plans and sets standards for quality of plant materials, irrigation systems and maintenance;

D. Lighting and light reflection shall be reasonably confined to the site. (Ord. 84-1 §22-4, 1984)

18.42.050 Outdoor storage. Outdoor storage in the CZ IP district is permitted as follows:

- A. Areas proposed for outdoor storage shall be shown on the required site plan.
- B. Proposed outdoor storage shall be permitted if it is determined by the city council that the location, screening and type of equipment and materials to be stored are such that there will be no significant adverse visual impact on the appearance of the industrial park or on any specific property within the park.
- C. Any area used for outdoor storage shall be appropriately surfaced. (Ord. 84-1 §22-5, 1984)

Fence and hedge regulations in the CZ IP district are as follows:

All fence and hedge regulations of the IP district are applicable to this CZ IP district. (Ord. 84-1 §22-6, 1984)

18.42.070 Other required conditions. Other required conditions in the CZ IP district are as follows:

- A. Coastal development permit required; coastal zone district regulations apply;
- B. Off-street parking required in accordance with coastal zone requirements and Chapter 18.64;
- C. All utility lines shall be placed underground and all transformers shall be placed underground unless otherwise required by the utility company. Where transformers must be pad-mounted aboveground, they shall be located away from the general public view or shall be effectively concealed by a screen fence of a design approved by the utility company and by the city council;
- D. Signs shall conform to the district sign requirements as provided in Chapter 18.34;
- E. Undeveloped areas reserved for future expansion shall be kept in a weed-free, litter free condition;
- F. Require water reclamation or recycling and encourage water reuse for landscaping wherever possible and economically feasible;
- G. Site plans will be required for all buildings and open storage. (Ord. 84-1 §22-7,

1984)

Chapter 18.44

CZ PF COASTAL ZONE PUBLIC FACILITIES DISTRICT

Sections:

18.44.010 Purpose.

18.44.020 Permitted uses, subject to coastal development permit approval.

18.44.030 Height regulations.

18.44.040 Minimum requirements.

18.44.050 Other required conditions.

18.44.010 Purpose. The purpose of the CZ PF district is to provide a compatible mix of public facilities with other land use in the coastal zone. The CZ PF district regulates design, landscaping and other requirements. (Ord. 84-1 §23-1, 1984)

18.44.020 Permitted uses, subject to coastal development permit approval. Permitted uses in the CZ PF district, subject to coastal development permit approval are as follows:

- A. Public utilities such as the sewage treatment plant, pump stations and public utility pipelines;
- B. Police and fire department infrastructure;
- C. City corporation yards;
- D. Other public buildings and equipment as approved by the city council. (Ord. 84-1 §23-2, 1984)

18.44.030 Height regulations. No building in the CZ PF district shall exceed thirty-six feet as measured from the existing grade. All developments within one hundred feet of the freeway right-of-way (considered as the main thoroughfare right-of-way, excluding on/off ramps) shall be designed so as to minimize significant adverse visual impacts and shall be limited to twenty-five feet in height. Views over developments, as specified in the local coastal land use plan, shall be preserved by limiting heights as necessary to assure compliance with policies contained in the local coastal land use plan. (Ord. 84-1 §23-3, 1984)

18.44.040 Minimum requirements. Minimum requirements in the CZ PF district are as follows:

A. Parking and landscaping shall be provided in accordance with coastal zone requirements and Chapters 18.62 and 18.64.

B. Dune restoration programs are required as indicated on the zoning map and per the habitat restoration (HR) zone and LUP Standards. (Ord. 84-1 §23-4, 1984)

18.44.050 Other required conditions. Other required conditions in the CZ PF district are as follows:

Coastal development permit required; coastal zone district regulations apply. (Ord. 84-1 §23-5, 1984)

Chapter 18.46

CZ PR COASTAL ZONE PUBLIC RECREATION DISTRICT

Sections:

18.46.010 Purpose.

18.46.020 Permitted uses, subject to coastal development permit approval.

18.46.030 Height regulations.

18.46.040 Minimum requirements.

18.46.050 Other required conditions.

18.46.010 Purpose. The purpose of the CZ PR district is to provide areas for public use and enjoyment of the coast, and to enhance the recreational opportunities along the city's shoreline. (Ord. 84-1 §24-1, 1984)

18.46.020 Permitted uses, subject to coastal development permit approval. Permitted uses in the CZ PR district, subject to coastal development permit approval are as follows:

A. Public parks, picnic areas, parking areas and sandy beaches;

B. Accessways which are publicly owned or over which access easements are to be required as a condition of development;

C. Other support facilities for public recreational uses;

D. Controlled public access and/or educational programs in areas of dune restoration programs. (Ord. 84-1 §24-2, 1984)

18.46.030 Height regulations. No building in the CZ PR district shall exceed thirty-six feet. Navigation aids and lifeguard towers may exceed this limit. Views over development, as specified in the local coastal land use plan, shall be preserved by limiting heights as necessary to assure compliance with policies contained in the local coastal land use plan. (Ord. 84-1 §24-3, 1984)

18.46.040 Minimum requirements. Minimum requirements in the CZ PR district are as follows:

A. Pavement coverage shall be minimized and in no case exceed forty percent of the site;

B. Development, except for signs and lifeguard towers, shall be located according to the following priorities:

1. First, off-of sandy beaches,

2. Second, in portions of sandy beaches least usable for open space activities;

C. Picnic and other recreation facilities shall not be permitted unless they can be found not to cause interference with recreational uses typically associated with open sandy beaches. (Ord. 84-1 §24-4, 1984)

18.46.050 Other required conditions. Other required conditions in the CZ PR district are as follows:

Coastal development permit required; coastal zone district regulations apply. (Ord. 84-1 524-5, 1984)

Chapter 18.48

CZ HP COASTAL ZONE HABITAT PRESERVE DISTRICT

Sections:

18.48.010 Purpose.

18.48.020 Permitted uses, subject to coastal development permit approval.

18.48.030 Minimum requirements.

18.48.010 Purpose. The purpose of the CZ HP district is to protect identified environmentally sensitive habitat areas. (Ord. 84-1 §25-1, 1984)

18.48.020 Permitted uses, subject to coastal development permit approval. Permitted uses in the CZ HP district, subject to coastal development permit approval are as follows:

- A. Research and education;
- B. Removal of ice plant;
- C. Fencing or other means of public access control;
- D. Native habitat enhancement activities as specified in the local coastal land use plan. (Ord. 84-1 §25-2, 1984)

18.48.030 Minimum requirements. Minimum requirements in the CZ HP district are as follows:

- A. Biological field surveys and management plan are required for any development or specific plan. The survey shall be prepared by a qualified biologist to determine exact locations of environmentally sensitive habitat areas and to recommend mitigation measures to minimize habitat impacts. Surveys shall be prepared according to standards established in the local coastal land use plan.
- B. Coastal development permit required; coastal zone district regulations apply. (Ord. 84-1 §25-3, 1984)

Chapter 18.50

CZ COASTAL ZONE OVERLAY DISTRICT

Sections:

- 18.50.010 Purpose.**
- 18.50.020 Criteria.**
- 18.50.030 Coastal development permit application and fee.**
- 18.50.040 Developments exempt from coastal development permit procedures.**
- 18.50.050 Notice--Hearing.**
- 18.50.060 Action by city council.**
- 18.50.070 Review of legal documents.**
- 18.50.080 Emergency permits.**

- 18.50.090 Permit conditions.**
- 18.50.100 Access requirements.**
- 18.50.110 Permit issuance.**
- 18.50.120 Appeals.**
- 18.50.130 Amendments.**

18.50.010 Purpose. The purpose of the CZ overlay district is to allow proper consideration of the local coastal land use and implementation plans in order to implement these plans and to allow coastal developments and issuance of coastal development permits, as set forth in this chapter; provided, that such developments are consistent with the local coastal program and this chapter. The CZ overlay district is an overlay district to be combined with the districts designated in the ordinance codified in this title. The CZ overlay district classification is limited to those properties located within the city coastal zone. (Ord. 84-1§26-1, 1984)

18.50.020 Criteria. In addition to the criteria established by the ordinance codified in this title and the city municipal code, criteria shall be applied to developments within the CZ overlay district, as set forth in the local coastal program. All developments within the coastal zone are subject to the requirements of the CZ overlay district and the underlying district with which it is combined. (Ord. 84-1 §26-2, 1984)

18.50.030 Coastal development permit application and fee. All developments within the coastal zone must obtain a coastal development permit. Application for a coastal development permit shall be made by the owner of the property or authorized representatives on an application form provided by the city. The application for a coastal development permit shall be accompanied by any maps, drawings and other necessary supplementary materials as indicated on the application form. The application fee shall be set by the city council and no part of such fee shall be refundable.

The determination of whether a development is categorically excluded, nonappealable or appealable for purposes of notice, hearing and appeals procedures shall be made by the local government at the time the application for development within the coastal zone is submitted. Where an applicant, interested person, or a local government has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is categorically excluded, nonappealable or appealable:

- A. The local government shall make its determination as to what type of development is being proposed and shall inform the applicant of the notice and hearing requirements for that particular development;
- B. If the determination of the local government is challenged by the applicant or an interested person, or if the local government wishes to have a commission

determination as to the appropriate designation, the local government shall notify the commission by telephone of the dispute/question and shall request an executive director's opinion;

C. The executive director shall, within two working days of the local government request (or upon completion of a site inspection where such inspection is warranted), transmit his/her determination as to whether the development is categorically excluded, nonappealable or appealable;

D. Where, after the executive director's investigation, the executive director's determination is not in accordance with the local government determination, the commission shall hold a hearing for purposes of determining the appropriate designation for the area. The commission shall schedule the hearing on the determination for the next commission meeting (in the appropriate geographic region of the state) following the local government request. (Ord. 84-1 §26-3, 1984)

18.50.040 Developments exempt from coastal development permit procedures.

The coastal zone regulations and coastal development permit requirements shall not be applied to those areas and classes of development categorically excluded by actions of the California Coastal Commission.

No coastal development permit shall be required for the following types of development:

A. Improvements to existing single-family residences as outlined below, except within fifty feet of the edge of a coastal bluff, or involving a significant alteration of a sand dune, or where the development permit issued for the original structure by the coastal commission indicated that any future additions would require a development permit; or involving a change in the intensity of use:

1. Additions of less than five hundred square feet outside the appeal jurisdiction of the coastal commission,
2. Additions of up to ten percent of the floor area of the existing structure, within the appeal jurisdiction of the coastal commission,
3. Other improvements to an existing single-family residence, including improvements to any fixtures or structures directly attached to the residence or to structures on the property normally associated with a single-family residence such as garages, swimming pools, fences and storage sheds,
4. Landscaping on the lot,
5. Replacement of water storage tanks, wells or septic systems serving existing

legal single-family residences;

B. Improvements to any structure other than an existing single-family residence or a public works facility as outlined below, except within fifty feet of the edge of a coastal bluff, or involving a significant alteration of a sand dune, or where the development permit issued for the original structure by the coastal commission indicated that any future additions would require a development permit; or involving a change in the intensity of use:

1. Additions of less than five hundred square feet outside the appeal jurisdiction of the coastal commission,
2. Additions of up to ten percent of the floor area of the existing structure, within the appeal jurisdiction of the coastal commission,
3. Other improvements to an existing structure, including improvements to any fixtures and other structures directly attached to the structures,
4. Landscaping on the lot,
5. Replacement of wells or septic systems serving existing legal structures;

This exemption does not include any improvement which would change the intensity of use of the structure;

C. Repair and maintenance of existing public roads including routine maintenance and those activities necessary to preserve the highway as it was constructed; provided, that there is no excavation or disposal of fill outside the roadway prism and there is no addition to or expansion of the existing public road facility and any other repair and maintenance activities that do not result in an addition to, or enlargement of, the object of such repair or maintenance activities, except:

1. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work that involves:
 - a. Repair or maintenance involving substantial alteration of the protective work including pilings and other surface or subsurface structures,
 - b. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries,

C. The replacement of twenty percent or more of the materials of an existing structure with material of a different kind, or

d. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area of bluff or within twenty feet of coastal waters or streams,

2. The replacement of fifty percent or more of a seawall, revetment, bluff retaining wall, breakwater, groin or similar protective work under one ownership, unless destroyed by natural disaster,

3. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within fifty feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within twenty feet of coastal waters or streams that include:

a. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials,

b. The presence, whether temporary or permanent, of mechanized equipment or construction materials;

D. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development; provided, that the activity does not new roads, and there will be no clearing in habitat areas defined in the local coastal land use plan;

E. The replacement of any structure, other than a public works facility, destroyed by fire, flood, explosion, wind, earthquake, war, riot or other calamity other than a wilful act by the property owner. Such replacement structure shall be for the same use as the destroyed structure, shall not exceed either the floor area, height or bulk of the destroyed structure by more than ten percent and shall be sited in the same location on the affected property as the destroyed structure;

F. Any category of development, or any category of development within a specifically defined geographic area, that the California Coastal Commission, after public hearing, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast. (Ord. 84-1 §26-4, 1984)

18.50.050 Notice--Hearing. Upon receipt of a filed application, with the required fee and all accessory maps and materials, the city shall set the matter for hearing as follows:

A. A public hearing date on a coastal development permit application shall be set

within ten working days upon completion of environmental review. If action on other permits or approvals is required for the project, the city shall act concurrently on the coastal development permit.

B. Not less than ten calendar days prior to a scheduled public hearing the city shall send notice by first class mail of the date, time and place of such hearing and other contents required by this section to a newspaper of general circulation and to each applicant, all property owners and residents within one hundred feet of the project site, to the State Coastal Commission, and to all other persons who request such notice by submitting a self-addressed, stamped envelope to the city.

C. Contents of the notice shall include a statement that the development is within the coastal zone; name of the applicant; date of filing; project location and description; application number; statement of the coastal status; the date, time and place of the public hearing; a brief description of the city's general procedure concerning the hearing process; and a description of the appeal process.

D. A least one public hearing shall be held on a coastal development permit application. If a decision on a permit is continued to a time which is neither previously stated in the notice, nor announced at the hearing as being continued to a certain time, the city shall provide notice of further hearings as described above. (Ord. 84-1 526-5, 1984)

18.50.060 Action by city council. The city council shall weigh the evidence presented and render a decision on the coastal development permit application, and its decision shall be to approve, conditionally approve, or disapprove the application. In its decision, the city council shall adopt findings that indicate whether or not the proposed development is in conformity with the local coastal program. The city council must find that the development is in conformity with the local coastal program, prior to approving an application for a coastal development permit. Within seven calendar days of a final decision by the city council on a coastal development permit application, the city shall provide notice of its action by first class mail to the applicant, the State Coastal Commission, and any other persons who have requested such notice by submitting a self-addressed, stamped envelope to the city. The notice shall contain the city council's adopted findings, conditions of approval and procedures for appeal to the State Coastal Commission. (Ord. 84-1 §26-6, 1984)

18.50.070 Review of legal documents. Prior to issuance of a coastal development permit, all legal documents pertaining to public access and open space or conservation easements which are conditions of approval of a coastal development permit shall be reviewed and approved by the city attorney for legal adequacy and consistency with the requirements of potential accepting agencies. The documents shall then be forwarded to the executive director of the coastal commission for his review and approval, unless and until the commission approves a program for local

review, and then shall be recorded. Upon completion of recordation of documents, the city shall forward copies of such legal documents to the executive director of the coastal commission. (Ord. 84-1 §26-7, 1984)

18.50.080 Emergency permits. A. Emergency coastal development permits may be granted at the discretion of a local official designated by the city for projects normally requiring a coastal development permit approval which must be undertaken as emergency measures to prevent loss of or damage to life, health or property, or to restore, repair or maintain public works, utilities and services during and immediately following a natural disaster or serious accident.

B. Applications in cases of emergencies shall be made to the city by letter if time allows, and by telephone or in person if time does not allow. The applicant shall submit the appropriate fees at the time of application for an emergency permit.

C. The information to be reported during the emergency, if it is possible to do so, or to be fully reported after the emergency, shall include the following:

1. The nature of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The location of the emergency;
4. The remedial, protective, or preventive work required to deal with the emergency; and
5. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.

D. The city may request, at the applicant's expense, verification by a qualified professional of the nature of and solutions to the emergency situation. Within ninety days of issuance of an emergency permit, the applicant shall submit a completed coastal development permit application and required technical reports.

E. The emergency work authorized under approval of an emergency permit shall be limited to activities necessary to protect the endangered structure or essential public structure. The emergency approval shall be voided if the approved activity is not exercised within fifteen days of issuance of the emergency permit. The approval shall expire sixty days after issuance. Any work completed outside of these time periods requires a regular coastal development permit approval unless an extension is granted by the city. (Ord. 84-1 §26-8, 1984)

18.50.090 Permit conditions.

A. The city council may impose such conditions as it deems necessary to achieve consistency with the local coastal program and to protect adjacent properties.

B. At the minimum, the following shall be required for issuance of any coastal development permit:

1. Compliance with the provisions of the design control (DC) overlay zone district and issuance of a design permit;
2. Compliance with all provisions of Chapters 18.62 and 18.64 regarding parking and landscaping;
3. Utilization of appropriate native coastal plants in landscaping;
4. Provision of buffers between conflicting land uses;
5. Utilization of water conservation fixtures and landscaping that maximizes the planting of drought tolerant plants as provided in the city's water conservation ordinance codified in Chapter 15.12 of this code;
6. Clustered development shall be subject to planned unit development (PUD) application and approval, including requirements of this CZ overlay district and the policies and requirements of the coastal land use plan;
7. Compliance with the provisions of any applicable specific plan.

C. In considering a coastal development permit application, the city council shall give due regard to the local coastal program in order to approve a development and the council shall make findings that approval of the permit is consistent with the local coastal program, including but not limited to:

1. Project complies with provisions for public access;
2. Appropriate legal documents are submitted to insure provision of vertical and lateral access or in-lieu fees paid as may be required by the LCP Land Use Plan;
3. Project complies with provisions for public visitor serving facilities and services;
4. Identified geologic, flood, groundwater and fire hazards are mitigated as recommended in the geologic and soils reports pursuant to the Local Coastal Plan Land Use Plan and deed restrictions are recorded which provide:
 - a. That the permittee(s) understand that the site is subject to extraordinary hazard and the permittee(s) assume(s) the liability for this (these) hazard(s),

- b. That the permittee(s) unconditionally waive any claim of liability on the part of the city or other regulatory agency for any damage from such hazard(s), and
- c. That the permittee(s) understand that construction in the face of the known hazard(s) may make them ineligible for public disaster funds or loans for repair, replacement or rehabilitation of the property in the event of storms or natural disasters;
5. Project complies with measures in approved habitat restoration plan to protect identified environmentally sensitive habitats and archaeological resources and/or develop dune restoration programs;
6. Provision of view corridors and vista points pursuant to the Local Coastal Land Use Plan and appropriate easements or other legal mechanisms to insure their permanent provision;
7. Approval by city design committee of project design, siting, landscaping and provision of view corridors from Highway 1 to the ocean in conformance with policies and guidelines set forth in the Local Coastal Program Land Use and Implementation Plans;
8. Demonstrated ability and adequacy of water and sewer services. If there is a limit placed on the amount of wastewater that may flow into the Seaside Treatment Plant or pump station, then no coastal permits for new development which require sewer hookups shall be issued until the city council adopts a wastewater allocation plan. This plan must allocate at least fifty percent of the city's remaining capacity to coastal dependent and visitor serving uses within the coastal zone;
9. Provision of minimal water flow rates and fire response times;
10. Compliance with city water allocation;
11. Provision of adequately sized water and sewer lines;
12. Provision of required parking;
13. Uses proposed adjacent to existing industrial manufacturing uses and the sewage treatment plant will be sited and designed in a manner that is compatible with these uses;
14. New uses proposed adjacent to locations of known environmentally sensitive habitat shall be sited and designed to prevent impacts which would significantly degrade such areas and shall be compatible with the continuance of such habitat areas based on the standards set forth by the city in the Local Coastal Land Use Plan;

15. Project complies with policies regarding shoreline structures.

D. The city shall not approve or renew a coastal permit for new or expanded surf zone sand mining if it finds that such new or expanded sand mining, either individually or cumulatively, will have significant adverse impacts on shoreline erosion. Such determination shall be made upon consideration of the results of the continuing shoreline erosion monitoring program, available evidence on the impact of surf zone sand mining on coastal erosion, and other relevant social, economic, environmental and technological factors. Any coastal permit issued for new surf zone sand mining or expansion of existing surf zone sand mining shall be issued subject to a condition that will permit the city to require that sand mining activity be reduced to previous levels (prior to the issuance of a coastal permit) or terminated (in the case of a new sand mining operation) if the continuing analysis or other available evidence on the impact of beach and surf zone sand mining on shoreline erosion shows that such operations have a significant adverse impact on shoreline erosion. (Ord. 84-1 §26-9, 1984)

18.50.100 Access requirements.

A. Offers to dedicate or grant public access easements shall be made in accordance with the provisions of the Local Coastal Land Use Plan. The offer of dedication or granting shall be made on forms provided by the city and approved by the city attorney. An offer to dedicate or grant an access shall revert to the owner after five years from development project completion (including access improvements) if it has not been accepted by an appropriate public or private agency. Accessways whose title is maintained in private ownership shall remain open to the public during daylight hours subject to a deed restriction recorded on or prior to the time of reversion of the offer of dedication.

B. Access easements shall be provided in accordance with provisions of the Local Coastal Land Use Plan and the following:

1. Vertical beach accessway easements shall be a minimum width of ten feet and shall extend from the nearest public roadway to the sandy beach frontage. Improvements to be made shall be as prescribed in the Local Coastal Land Use Plan and by the city council.

2. Lateral beach accessway shall be provided by an easement with a minimum of twenty-five feet dry sandy beach or the entire sandy beach if the width of the beach is less than twenty-five feet.

3. Blufftop access easements shall run along the edge of the bluff, and be of a width adequate to provide safe access.

C. Future developments shall dedicate rights-of-way for roads and bikeways as shown in the Local Coastal Land Use Plan and on forms as provided by the city.

D. Required in-lieu fees shall be based on current fair market value of land and development costs in areas where accessways are planned, and shall be based on the equivalent of the parcel having to accommodate a vertical accessway. The fees collected shall be used only for the purpose of providing or enhancing public accessways or ancillary facilities to or along the shoreline. (Ord. 84-1 §26-10, 1984)

18.50.110 Permit issuance.

A. The coastal development permit shall become effective ten working days after the city's final decision, unless an appeal is filed with the State Coastal Commission. Denials of a permit application shall become effective immediately.

B. Decisions on applications for appealable developments shall become effective after the ten working day appeal period to the coastal commission has expired and no appeal has been filed. The ten day appeal period shall start the day of the receipt by the coastal commission of adequate notice of the final local action.

C. A coastal development permit will expire on the latest expiration date of any other applicable permit, unless no other permits are required, then the coastal development permit shall expire two years from its date of approval if the project has not been commenced during that time. The two-year period shall be tolled during any legal proceedings brought to challenge the approval or conditions of the permit. (Ord. 84-1 §26-11, 1984)

18.50.120 Appeals.

A. An appeal of a decision regarding a coastal development permit may be made to the State Coastal Commission for the following types of development:

1. Developments approved located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or three hundred feet of the mean high tide line of the sea where there is no beach, whichever is the greater distance;
2. Developments approved located on tidelands, submerged lands, public trust lands, within one hundred feet of any wetland, estuary, stream, or within three hundred feet of the top of the seaward face of any coastal bluff;
3. Any development which constitutes a major public works project or a major energy facility.

B. All appealable developments may be appealed by an applicant, any two members of the State Coastal Commission or an aggrieved person. Coastal commission

review of appeals shall be based on findings of consistency with the city's Local Coastal Land Use Plan. Grounds for appeal of an approved coastal development permit for developments described in subsection A1 of this section are limited to the following:

1. The development fails to provide adequate physical access, public or private commercial use or interferes with such uses;
2. The development fails to protect public views from any public road or from a recreational area to and along the coast;
3. The development is not compatible with the established physical scale of the area;
4. The development may significantly alter existing natural land forms;
5. The development does not comply with the shoreline erosion and geologic setback requirements.

The grounds for appeal for development described in subsection A2 and 3 of this section are limited to consideration of whether or not the proposed development is in conformity with the certified local coastal program. (Ord. 84-1 §26-12, 1984)

18.50.130 Amendments. An applicant may petition to amend a coastal development permit by filing a new application pursuant to the requirements of this chapter. Any amendment approved for development in the coastal zone shall be found consistent with all applicable local coastal program requirements. Requests to amend coastal development permits approved by the coastal commission must be submitted to the city for review and comment but will be acted upon by the commission. (Ord. 84-1 §26-13, 1984)

Chapter 18.52

CZ RM RESOURCE MANAGEMENT OVERLAY DISTRICT

Sections:

18.52.010 Purpose.

18.52.020 Permitted uses, subject to coastal development permit approval.

18.52.030 Minimum requirements.

18.52.010 Purpose. The purpose of the CZ RM district is to consider potential environmentally sensitive habitat areas in the coastal zone that require consideration to protect identified resources against disruption of habitat values consistent with policies contained in the Local Coastal Land Use Plan. The CZ RM district is an overlay district to be combined with other districts designated in the ordinance codified in this title. (Ord. 84-1 §27-1, 1984)

18.52.020 Permitted uses, subject to coastal development permit approval. Permitted uses in the CZ RM district, subject to coastal development permit approval are as follows:

Uses in the underlying zone district are permitted only after approval of a biological survey, habitat protection plan and specific plan (if required) which demonstrates that the habitat can be consolidated, enhanced, preserved, or consolidated off-site pursuant to standards established in the Local Coastal Land Use Plan. (Ord. 84-1 §27-2, 1984)

18.52.030 Minimum requirements. Minimum requirements in the CZ RM district are as follows:

A. A biological field survey and habitat protection plan is required prior to the approval of any development or specific plan which may affect habitat preserve areas to determine exact locations of sensitive habitat areas and to recommend mitigation measures to minimize habitat impacts according to standards established in the Local Coastal Land Use Plan. If the plan includes habitat relocation or offsite restoration activities, it shall be forwarded to the Department of Fish and Game for review and approval. Plans involving rare or endangered species should also be forwarded to the U.S. Fish and Wildlife Service for consultation.

B. New uses proposed adjacent to locations of identified environmentally sensitive habitats shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas based on standards set forth by the city in the Local Coastal Land Use Plan.

C. Projects within identified environmentally sensitive habitat areas shall utilize only native coastal plants in landscaping plans.

D. Permanent protection shall be ensured for areas designated as habitat preserves as determined by the required field survey and habitat management plan through easements or dedications to public agencies to be reviewed and approved by the city attorney and/or the executive director of the coastal commission pursuant to CZ "review of legal documents" provisions. (Ord. 84-1 §27-3, 1984)

Chapter 18.54

CZ HR HABITAT RESTORATION OVERLAY DISTRICT

Sections:

18.54.010 Purpose.

18.54.020 Permitted uses.

18.54.030 Minimum requirements.

18.54.010 Purpose. The purpose of the CZ HR district is to provide areas suitable for dune restoration, relocation, and/or stabilization as part of future developments as designated in the Local Coastal Land Use Plan. (Ord. 84-1 §28-1, 1984)

18.54.020 Permitted uses. Permitted uses in the CZ HR district are as follows:

- A. Restoration or enhancement of native dune plant habitats or establishment of new habitat for rare and endangered species;
- B. Grading and other activities necessary to implement a habitat restoration activity;
- C. Native plant relocation as established in the Local Coastal Land Use Plan.

Only the above permitted uses are allowed; no other permitted uses of the underlying district are allowed within this overlay. (Ord. 84-1 §28-2, 1984)

18.54.030 Minimum requirements. Minimum requirements in the CZ HR district are as follows:

A. A biological field survey and habitat protection plan is required to be prepared according to standards established in the Local Coastal Land Use Plan. If the plan includes habitat relocation or off-site restoration activities, it shall be forwarded to the Department of Fish and Game for review and approval. Plans involving rare or endangered species should also be forwarded to the U.S. Fish and Wildlife Service for consultation.

B. Permanent protection shall be ensured for areas designated as habitat preserves as determined by the required field survey and habitat management plan through easements or dedications to public agencies to be reviewed and approved by the city attorney and/or the executive director of the coastal commission pursuant to CZ "review of legal documents" provisions. (Ord. 84-1 §28-3, 1984)

Chapter 18.56

CZ ST SPECIAL TREATMENT AREAS OVERLAY DISTRICT

Sections:

18.56.010 Purpose.

18.56.020 Criteria.

18.56.030 Other required conditions.

18.56.010 Purpose. The purpose of the CZ ST district is to consider special design, environmental, or natural features during the planning process for areas in the coastal zone, where planned developments are appropriate due to special siting/design considerations; where density standards vary; where land uses need to be made compatible with existing surrounding land uses, or where small lot subdivisions exist. The CZ ST district is an overlay district to be combined with other districts in this title. (Ord. 84-1 §29-1, 1984)

18.56.020 Criteria. Changes in required density of the underlying zone district may occur within the CZ ST district as follows:

Coastal zone residential, high density: allow one dwelling unit per existing recorded lot (recorded as of 1981) between one thousand eight hundred seventy-five square feet and two thousand two hundred fifty square feet; allow two dwelling units per every two thousand two hundred fifty square feet, but only for existing recorded lots (recorded as of 1981) greater than two thousand two hundred fifty square feet or for lots that are consolidated to create new lots greater than two thousand two hundred fifty square feet, except where a PUD application has been filed. (Ord. 84-1 §29-2, 1984)

18.56.030 Other required conditions. Other required conditions in the CZ ST district are as follows:

A. Coastal development permit required; coastal zone district regulations apply;

B. All proposed developments shall be consistent with an area-wide specific plan for developments. Such plans may be prepared by a developer for city approval or by the city.

(Ord. 84-1 §29-3, 1984)

Chapter 18.58

DC DESIGN CONTROL DISTRICT

Sections:

18.58.010 Purpose.

18.58.020 Criteria.

18.58.030 Conditional uses.

18.58.040 Design Committee--Composition.

18.58.050 Coastal zone design control.

18.58.060 Appeal procedure.

18.58.070 Design Review and Permit Authority within the East Dunes Area.

18.58.010 Purpose. The purpose of the DC district is to set standards intended to achieve desired results in housing, commercial and industrial development and for uses within the coastal zone. (Ord. 84-1 §30-1, 1984)

18.58.020 Criteria. An application for a design permit pursuant to this chapter shall be accompanied by drawings showing front, side and rear elevations of the proposed building structure, sign, fence or improvement and addition thereto, and by a statement indicating the proposed color scheme for such plans or drawings showing, in reasonable detail, proposed building or structure location, topography, existing vegetation, proposed parking layout and location, and proposed landscaping area. (Ord. 84-1 §30-2, 1984)

18.58.030 Conditional uses. All proposed uses in the DC design control overlay district shall require a design permit. An application shall be made on a form prescribed by the city and shall be accompanied by a fee as established by the city council. The application shall be accompanied by maps, drawings or sketches showing existing and proposed site plans, elevations of proposed buildings or structures, types of materials to be used, proposed landscaping and treatment of grounds, locations, appearance, wording and lighting of any signs proposed, and any other drawings as may be requested by the design review committee. (Ord. 84-1 §30-3, 1984)

18.58.040 Design committee--Composition. A design committee shall be established to review and make decisions upon all design permit applications. The design committee members shall be appointed by the city council for two-year terms and shall serve at the pleasure of the city council. The design committee shall consist of a minimum of five members. (Ord. 98-01 §1, 1998; Ord. 88-7 §1, 1988)

All appointees shall serve for a two-year term and may be removed at the discretion

of the city council. Three of the committee members shall be appointed for terms ending in even-numbered years, and two of the members shall be appointed for terms ending in odd-numbered years. The term of three of the members initially appointed when the ordinance codified in this chapter takes effect shall terminate October 30, 1986; and the term of the remaining two members initially appointed shall terminate October 30, 1985. A member's seat shall be deemed vacated upon two consecutive absences from regular meetings without being excused by the chairperson.

The design committee shall meet on the second Thursday of each month and may adopt such rules as needed for the conduct of its meetings, including the selection of the member who shall serve as chairperson.

The planning director or his representative shall serve as an ex-officio member. (Ord. 84-1 §30-4, 1984)

18.58.050 Coastal zone design control.

A. This chapter shall apply to all developments proposed within the coastal zone, consistent with the coastal zone regulations except that requirements for design permit applications as set forth in this chapter shall be waived in the coastal zone, if all the materials required by this chapter are provided in the coastal development permit application.

B. Design Committee Review Findings. The design committee shall review proposed coastal zone developments according to standards and guidelines established in the local coastal program. The committee shall make conditions, if necessary, and issue a design permit only if it is found that the development is sited, designed and landscaped in a manner that is consistent with Local Coastal Land Use Plan policies including those governing required view corridors, dune preservation/restoration areas and height restrictions. (Ord. 84-1 §30-5, 1984)

18.58.060 Appeal procedure. Any applicant aggrieved by a decision of the design committee may appeal to the city council. The applicant may appeal to the city council in writing within ten days after a final decision by the design committee. The city council, at its next regular city council meeting, shall consider the appeal. If the council wishes to continue consideration of the appeal hearing, it may do so at its discretion. The city council shall consider design permit appeals for coastal zone developments at the time it considers the coastal development permit application. Appeal decisions by the city council to approve, deny or modify a design permit approved by the design committee shall be final, unless the city council requests additional review by the design committee. (Ord. 84-1 §30-6, 1984)

18.58.070 Design Review and Permit Authority Within the East Dunes Area.

A. For that area of the City, generally bounded by Contra Costa Street,, California Avenue, East Avenue, Merle Street, Tioga Avenue and Highway One, and further known as the East Dunes, the Design Committee shall have the authority to make final decisions on all applications for use permits, variances, special uses, design permits and any other quasi-judicial land use determination. (Ord. 02-07, 2002)

B. Legislative and quasi-legislative acts such as rezonings and general plan amendments shall remain the exclusive authority of the City Council, although the Design Committee shall advise the Council on such applications within the East Dunes Area.

C. Decisions of the Design Committee on all permits authorized by this Title shall be subject to public hearing in accordance with procedures established within state planning law.

D. Decisions of the Design Committee shall be final unless appealed to the City Council pursuant to section 18.58.060. Any member of the City Council may also appeal decisions of the Design Committee within ten (10) days following the Design Committee decision. Ord. 94-09 §1, 1994)

Any ordinance of Sand City or provision of the Sand City Municipal Code in conflict with Chapter 18.58.070 is hereby repealed. (Ord. 94-09 §2, 1994)

Severability: If any section, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance. The City Council of Sand City hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of any such decision. (Ord. 94-09 §3, 1994)

Chapter 18.59

DENSITY BONUSES / INCENTIVES

Sections:

18.59.010 Purpose.

18.59.020 Projects Qualifying for Density Bonus/ Incentive.

18.59.030 Incentives/Concessions.

18.59.040 Density Bonus Calculation.

18.59.010 Purpose. The purpose of this Chapter is to implement the requirements of Assembly Bill 1866 (2002) requiring cities and counties to provide zoning density bonuses, and/or incentives when “affordable housing” is provided as part of residential developments within the meaning and standards of that legislation.

18.59.020. Projects Qualifying for Density Bonus/Incentive. When a housing developer of five or more dwelling units agrees to construct at least one of the following development types, a 25 percent density bonus and one additional incentive/concession shall be granted by the City and/or Redevelopment Agency, except as further provided in subsection E, below.

Twenty percent (20%) of the total residential units proposed for the housing development are to be provided to lower income households, as defined in Section 50079.5 of the Health and Safety Code. This generally means that the units must be affordable to persons earning eighty percent (80%) or less of the area median income, adjusted for family size.

A. Ten percent (10%) of the total units of a housing development are to be provided to very low income households, as defined in Section 50105 of the Health and Safety Code. This generally means that the units must be affordable to persons earning fifty percent (50%) or less of the area median income, adjusted for family size.

B. Fifty percent (50%) of the total dwelling units of a housing development are to be provided to qualifying residents as defined in Section 51.3 of the Civil Code. This generally means that the units must be provided to persons 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

C. Twenty percent (20%) of the total dwelling units in a condominium project are to be provided to persons and families of moderate income as defined in Section 50093 of the Health and Safety Code. This generally means that the units must be affordable to persons earning between 81 percent and 120 percent of the area median income, adjusted for family size. If this type of development is proposed, a ten percent (10%) density bonus shall be granted unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of the application.

D. If an applicant agrees to construct both twenty percent of the total units for lower income households and ten percent of the total units for very low income households, the developer is entitled to only one density bonus and one additional concession or incentive as identified in Section 18.59.030.

18.59.030 Incentives/Concessions. For the purposes of this Chapter, concession or incentive means any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed minimum building standards. These include, but are not limited to, a reduction in setback, building coverage or parking requirements that would otherwise be required.
2. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
3. Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable and actual cost reductions.

18.59.040 Density Bonus Calculation. For the purposes of this Chapter, density bonus means a density increase of at least 25 percent, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of residential development application to the city. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. The density bonus shall not be included when determining the number of housing units which is equal 10, 20, or 50 percent of the total. The density bonus shall apply to housing developments consisting of five or more dwelling units. (Ord. 03-02, 2003)

Chapter 18.60

PUD PLANNED UNIT DEVELOPMENT DISTRICT

Sections:

- 18.60.010 Purpose.**
- 18.60.020 Principal permitted uses.**
- 18.60.030 Accessory buildings and accessory uses permitted.**
- 18.60.040 Number of dwelling units permitted.**
- 18.60.050 Application for change of zone to PUD by owner.**
- 18.60.060 Application for a planned unit development permit.**
- 18.60.070 Fee for application.**

18.60.080 Findings required.

18.60.090 Conditions.

18.60.010 Purpose. The purpose of the PUD district is to provide for the long term development containing or to contain a variety of land uses which are under unified ownership and unified development control. In certain instances, the objectives of this chapter may be better achieved by the development of planned units which do not conform in all respects with the zoning district regulations prescribed by this title. A planned unit development may include developments which are sited and designed to take advantage of unique site characteristics and/or unified ownership, and which harmonize with existing and proposed land uses in the vicinity. (Ord. 84-1 §31-1, 1984)

18.60.020 Principal permitted uses. A planned unit development may be located in any zoning district upon the granting of a PUD permit in accordance with the provisions of this chapter. A planned unit development shall include only uses permitted either as permitted uses or conditional uses in the zoning district in which the planned unit development is located. (Ord. 84-1 §31-2, 1984)

18.60.030 Accessory buildings and accessory uses permitted. Accessory buildings and uses are permitted in the PUD district when appurtenant to any permitted development. (Ord. 84-1 §31-3, 1984)

18.60.040 Number of dwelling units permitted. The number of dwelling units in a PUD district shall be determined based upon the ability of the site to support, and of the city to provide, adequate services. The planning staff shall make a recommendation, based on standard planning criteria, concerning the density of intensity of use. (Ord. 84-1 §31-4, 1984)

18.60.050 Application for change of zone to PUD by owner. Any application for change of zone to PUD by owner shall be signed by all persons owning an interest in the property for which the PUD is planned (or by their legal representatives) and shall be accompanied by an application for a planned unit development permit. (Ord. 84-1 §31-5, 1984)

18.60.060 Application for a planned unit development permit. Any application for a planned unit development permit shall be made on forms provided by the city and shall be accompanied by a general development plan showing the combination of uses, dimensions, types and locations of proposed and existing structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses such as playgrounds, landscaping and other spaces, and architectural drawings and sketches demonstrating the designs and character of the proposed uses and physical relationship of the uses, including relationship to uses adjacent to the planned community district. Such other pertinent information shall be included as may be

necessary to a determination that the contemplated arrangement of the development makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this title. (Ord. 84-1 §31-6, 1984)

18.60.070 Fee for application.

Application for such planned unit development permit shall be accompanied by the fee determined by the fee schedule then in effect. (Ord. 84-1 531-7, 1984)

18.60.080 Findings required.

Before a planned unit development permit shall be granted, the city council shall find:

A. Such development will be in harmony with the character of the surrounding neighborhood;

B. Any development that is needed as part of the development scheme at the proposed location will not create traffic congestion, has adequate off- and on-site parking, will be an attractive center which fits harmoniously into the neighborhood and will not adversely affect the neighborhood;

C. Adequate provision has been made to assure proper care and maintenance of landscaping and common areas;

D. Appropriate environmental review has been performed with proper mitigation and the project meets the requirements of the California Environmental Quality Act, as amended; and

E. Planned unit development is consistent with the city's local coastal program. (Ord. 84-1 §31-8, 1984)

18.60.090 Conditions. The city council may impose such conditions upon the planned unit development as may be reasonably required to assure that a harmonious development is constructed within a reasonable time, including the posting of bond and the dedication of streets, ways and facilities to the public. (Ord. 84-1 §31-9, 1984)

Chapter 18.62

SPECIAL USE CONDITIONS

Sections:

- 18.62.010 Repair of unsafe buildings.**
- 18.62.020 Required area or space cannot be reduced.**
- 18.62.030 Performance standards.**
- 18.62.040 Planned unit development approval.**
- 18.62.050 Maintenance of landscaping.**
- 18.62.060 Fence and hedge regulations in the C, IP, CZ C, CZ IP, CZ M and M districts.**
- 18.62.070 Accessory buildings.**
- 18.62.080 Service stations.**
- 18.62.090 Mobile homes, trailers, mobile home and trailer parks.**
- 18.62.100 Dwelling groups.**
- 18.62.110 Home occupations.**
- 18.62.120 Community buildings, social halls, lodges, fraternal organizations and other clubs in R districts.**
- 18.62.130 Temporary tract office or building yard.**
- 18.62.140 Public utility lines.**
- 18.62.150 Salvage and wrecking yards.**
- 18.62.160 Restrictions on multiple family residences in R-2 districts.**
- 18.62.170 Drive-in restaurant, refreshment stand and sidewalk cafe.**
- 18.62.180 Temporary use of land.**

18.62.010 Repair of unsafe buildings. Nothing in this title shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority. (Ord. 84-1 §32-7, 1984)

18.62.020 Required area or space cannot be reduced. No lot, yard, court, parking area or other space shall be reduced in area or dimension so as to make such area or dimension less than the minimum required by this title, and if already less than the minimum required by the ordinance codified in this title, such area or dimension shall not be further reduced. (Ord. 84-1 §32-14, 1984)

18.62.030 Performance standards. All uses described as prohibited uses in the industrial zone (M designation) are also prohibited in all other zones and districts within the city.

When application for a discretionary use permit, rezoning or imposition of an overlay district is made to the city, the same shall not be approved except upon an affirmative showing supported by substantial evidence that the discretionary permit, rezoning or overlay district as mitigated, does not by its nature, design, siting and proximity to other existing uses, zones and districts, detrimentally affect those existing uses, zones and districts or the health, safety and welfare of persons

residing, working and conducting businesses therein. (Ord. 84-1 §32-15, 1984)

18.62.040 Planned unit development approval.

A. Purpose. The purpose of planned unit development approval is to allow diversification in the relationships of various buildings, structures, and open spaces in planned building groups and the allowable heights of such buildings and structures, while insuring substantial compliance to the district regulations and other provisions of this title. It is the intent of the ordinance codified in this title that adequate standards related to the public health, safety and general welfare shall be observed without unduly inhibiting the advantages of modern large-scale site planning for residential, commercial or industrial purposes. Where use is made of the planned unit development process, as provided in this section, a building permit shall not be issued for such development or any part thereof until the city council has approved the plan therefore.

B. Defined. The development of any parcel or parcels of land may be considered a planned unit development for purposes of this title if the property is owned or its development controlled by a single individual or legally constituted corporation, or if the property is in various ownerships, all parties owning or controlling property in the area to be developed become a party to a legal agreement binding them to abide by the planned unit development plan as approved, such agreement to run with the land as a condition of future sale or lease.

C. Application. Application shall be made on a form prescribed for this purpose by the city. (Ord. 84-1 §36-4, 1984)

18.62.050 Maintenance of landscaping.

A. This section shall apply to landscaping or landscaped areas required by the provisions of this title or required by the terms of a conditional use permit, planned unit development permit or coastal development permit issued pursuant to provisions of this title.

B. Landscaping or landscaped areas shall consist of live plant material, and plants shall be appropriate in number, size and species to achieve the purpose for which such landscaping is intended.

C. When landscape plans are required by other provisions of this title or required by the terms of a conditional use permit, planned unit development permit, or coastal development permit, then detailed landscape plans shall be submitted showing the following:

1. Location, type and size of all plant materials and ground covers or mulch;
2. Any mounding shown with one-foot contour lines;

3. The constructed layout of the irrigation system, if an irrigation system is required by subsection H of this section;

4. Details of any screen fences or walls, trellises, retaining walls, planter boxes, flagpoles, pedestrian paths and sitting areas. Such detailing shall include proposed colors and materials.

D. All landscape plans will be subject to city staff review prior to consideration by the design committee and prior to issuance of a building permit. Landscaping shall be continuously maintained in a healthy, growing condition.

E. All required landscape areas shall be continuously maintained in a weed-free, litter-free condition and all plant materials shall be continuously maintained in a healthy, growing condition.

F. All landscaped areas adjacent to paved parking areas and driveways shall be protected from vehicle damage by a six-inch-high continuous curb or by such other means as may be approved by the city council.

G. Provision shall be made for the positive control of soil erosion, and any loose ground cover such as gravel, rock or bark shall not be allowed to scatter outside the landscaped area onto adjacent parking areas, driveways, sidewalks, or streets. The required control may be achieved by installation of a six-inch-high continuous curb, installation of a redwood header, or by such other means as may be approved by the city council.

H. Facilities to provide for irrigation of landscaped areas shall be available within or in close proximity to each individual planter section. In individual landscape planter sections with an area greater than two hundred square feet, a permanent irrigation system shall be installed and used. In individual landscape planter sections with an area greater than seven hundred fifty square feet, a permanent irrigation system with an automatic timing device to regulate time and amount of irrigation is recommended.

I. The city will encourage the development of landscaped areas wherever possible. Specific encouragement will be given to existing buildings, especially when permits are required.

J. The foregoing are minimum requirements, and may be supplemented or modified under provisions of a conditional use permit or planned unit development permit, or coastal development permit. (Ord. 84-1 §32-17.1, 1984)

18.62.060 Fence and hedge regulations in the C, IP, CZ C, CZ IP, CZ M and M districts.

A. Height Regulations.

1. Fences and hedges up to thirty inches in height shall be permitted in any front yard, with the exception of open storage uses.
2. Fences and hedges up to eight feet in height shall be permitted behind any front yard setback line and in any required side or rear yard.

B. Outdoor Storage to be Screened. A screen fence of seven feet or more shall enclose the perimeter of any parcel(s) used for outdoor storage of equipment and materials or that portion of the parcel(s) used for such where the equipment or materials are on a parcel which abuts a residential district, except as provided in subsections B3 and 4. The screen fence is to be cyclone, with diagonal redwood slats.

1. For purposes of this subsection, the term "storage" shall be defined as any keeping, accumulating, or retention of nonfixed equipment or materials for any purpose, except sale in the regular course of business, for a period longer than two weeks.
2. Vehicles used or sold in the regular course of business shall not be considered equipment subject to this requirement.
3. This requirement shall only be applied to a parcel when it is developed for the first time in a permitted use or in conjunction with the issuance of a discretionary permit by the city. (Ord. 84-1 §32-17.2, 1984)

18.62.070 Accessory buildings. A. An accessory building may be erected detached from the principal building or may be erected detached from the principal building or connected therewith by a breezeway or similar structure.

B. An accessory building attached to the main building shall be made structurally a part of and have a common wall with the main building and shall comply in all respects with the requirements of this title applicable to the main building.

Unless so attached, an accessory building in an R district shall be located at least ten feet from any dwelling existing or under construction on the same lot.

Except as otherwise provided in this title, any accessory building not used for residential purposes may be located on an interior lot line on the rear half of any lot; provided, that an unpierced solid masonry wall shall be constructed on each such interior lot line in accordance with the requirements of the Uniform Building Code;

and further provided, that a gutter or other device to prevent drainage onto the adjacent lot is installed thereon. If no such wall and gutter system is provided, such accessory building shall not be closer than five feet to any lot line. No accessory building closer than five feet to any property line shall exceed ten feet in height at the exterior line. (Ord. 84-1 §33-1 (a) , (b) , 1984)

18.62.080 Service stations.

A. Unless otherwise permitted in the district in which an automobile service station is located, service station activities shall be limited to the sale of motor vehicle fuels and lubricants, tires, batteries, accessory items and other similar services for motor vehicles. Servicing of motor vehicles shall be limited to lubrication; nonmechanical washing; replacement of spark plugs, lamps, fan belts and batteries; the repair or replacement of tires and tubes; and other similar minor repairs. Major mechanical repairs shall not be allowed. All such allowed servicing shall be done in an enclosed building; however, minor adjustments and replacement of minor parts (e. g., replacing a windshield wiper blade) shall be permitted while a vehicle is being serviced at a pump island.

B. Unless otherwise permitted as a principal use in the district in which an automobile service station is located, no product shall be sold other than those products pertaining directly to the service of automobiles with petroleum products and other accessories such as tires and batteries. The sale or rental of equipment such as lawn mowers, concrete mixers, automobiles, trucks, trailers, garden equipment or spare parts not installed on the premises, and the conduct of any other commercial enterprise not directly related to the necessary operation of an automobile service station, shall be prohibited. No special service such as upholstery or convertible top replacement shall be conducted on the premises.

C. Except for identifying signs and one price sign or readerboard at least fifteen feet from each exterior property line, no outdoor signing or advertising material shall be permitted.

D. All interior property lines of all service stations, used car sales lots and parking lots may be required by the city council to be fenced or screened with a visual barrier such as an evergreen hedge, solid fence or masonry screen wall, when, in the opinion of the council, the character of adjacent property requires such protection.

E. Any area that is required for unobstructed intersection visibility by an ordinance of the city shall be developed and maintained as a landscaped area. Except as otherwise permitted, the height of any structure or any plant material therein shall not be greater than thirty inches above the adjacent sidewalk.

F. The entire length of all exterior property lines not required for ingress to or egress from permitted driveways on any service station site or on any parking lot or

used car sales lot with a total capacity in excess of twenty-five vehicles shall be provided with a landscaped barrier of living plant material not less than four feet in average width.

G. All landscaped areas shall be continuously maintained in a litter-free, weed-free condition and all plant material shall be continuously maintained in a healthy, growing condition.

H. Maximum building height of service stations shall be twenty-five feet. (Ord. 84-1 §33-1(c)--(j), 1984)

18.62.090 Mobile homes, trailers, mobile home and trailer parks.

A. All requirements normally required for single-family dwellings, except for architectural review (in any zoning district) shall apply to mobile homes or manufactured housing.

B. Architectural standards that are to be applied to a mobile home or manufactured house shall deal with roof overhang, roofing materials and siding materials.

C. Sanitary regulations prescribed by the state, city and/or county, together with all amendments thereto subsequently adopted and as may otherwise be required by law, shall be complied with. (Ord. 84-1 §33-2, 1984)

18.62.100 Dwelling groups. Dwelling groups in those districts where permitted shall conform to all of the following conditions and requirements:

A. The area requirements for buildings in a dwelling group shall be the same as required in the zoning district in which such buildings are first permitted.

B. Each lot upon which a dwelling group is located shall front on either a street or public right-of-way at least thirty feet wide. (Ord. 84-1 §33-3, 1984)

18.62.110 Home occupations. Customary home occupations, such as handicraft, dressmaking, millinery, laundering, preserving and home cooking, in any district where permitted, shall be conducted solely by resident occupants in their residence; provided, that not more than one-quarter of the area of one floor of such residence shall be used for such purposes; that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings; that the entrance to the space devoted to such use shall be from within the dwelling. No commercial or professional identification sign shall be permitted. (Ord. 84-1 §33-4, 1984)

18.62.120 Community buildings, social halls, lodges, fraternal organizations and other clubs in R districts. Community buildings, private clubs, lodges, social

or recreational establishments may engage in retail sales for guests only; provided, that:

A. There shall be no external evidence of any commercial activity, nor any access to any space used for commercial activity other than from within the building group.

B. That there shall be no harm to adjacent existing or potential residential development due to excessive traffic generation or noise or other circumstances. (Ord. 84-1 §33-5, 1984)

18.62.130 Temporary tract office or building yard.

A. A temporary tract office may be permitted within a residential subdivision or planned residential development at a location and under such conditions as may be approved by the city council at the time of approval of a tentative map or planned unit development permit. Any such office use shall cease when all dwelling units, or commercial or industrial lots, in the subdivision or development have been sold.

B. A building yard may be permitted within the boundaries of a subdivision or planned unit development which is under construction. The building yard shall be located within the subdivision unit or in that portion of the planned development which is currently under construction, unless another location is approved by the issuance of a conditional use permit.

C. The use of any building yard shall be prohibited when construction ceases or is interrupted for a period of thirty days or longer. Upon completion of construction within the subdivision unit or portion of the planned development, the building yard site will be completely cleaned; all building materials and equipment, trash, debris, signs and sign supports, and temporary electrical service will be removed. (Ord. 84-1 §33-6, 1984)

18.62.140 Public utility lines. Public utility distribution and transmission lines, both overhead and underground, shall be permitted in all districts, without the necessity of obtaining a conditional use permit therefore; transmission line plans shall be submitted to the council for approval prior to acquisition of rights-of-way therefore. Undergrounding of utilities will be required wherever feasible. All uses permitted pursuant to this section shall be consistent with coastal zone regulations. (Ord. 84-1 §33-7, 1984)

18.62.150 Salvage and wrecking yards. All salvage or wrecking operations and similar types of operations shall be subject to review by the city council. In addition, all such operations shall be conducted entirely behind a cyclone fence with diagonal redwood slats not less than seven feet high. The city council may require, among other special conditions, a planted barrier. (Ord. 84-1 §33-8, 1984)

18.62.160 Restrictions on multiple family residences in R-2 districts. The city council may grant a conditional use permit for a multiple family residence in an R-2

district under the following circumstances and not otherwise:

A. A single property owner owns two or more adjacent lots of record, but such lots are smaller than the minimum required lot size in the district in which they are located, or that only one lot is owned, but such lot is substantially larger than the minimum required lot size in the district in which it is located; provided in either case, that more efficient site planning and development will be required by such conditional use permit than would have been possible without it.

B. That all existing buildings located on the property to which such conditional use permit applies shall be brought into complete conformity with all such building and other sections of the city building code or shall be removed prior to issuance of any building permit for new construction. (Ord. 84-1 §33-9, 1984)

18.62.170 Drive-in restaurant, refreshment stand and sidewalk cafe. A drive-in restaurant, refreshment stand or sidewalk cafe shall be so located and designed that no customer service can be conducted to or from a public sidewalk or street. The customer service window or counter shall abut a patio area confined by a planter or fence. Such patio area shall be of adequate size and be properly equipped, in the opinion of the city council, so as to provide appropriate and desirable space for the on-site consumption of food and beverages sold on the premises. Such space shall be adequate to accommodate the peak customer load as anticipated by the owner or operator. Upon a finding by the city council that the area provided in accordance with and approved under this section is inadequate, the council shall require its reasonable expansion. Site shall provide automobile and truck ingress and egress and parking and loading spaces so designed as to minimize traffic hazard and congestion. All such parking and loading areas shall be fenced in such a manner as to prevent wastepaper and other debris from blowing onto any adjacent public or private property. Proponent shall show that adequate controls or measures will be taken to prevent the use from becoming a nuisance to adjoining property or uses. (Ord. 84-1 §33-10, 1984)

18.62.180 Temporary use of land. A. Definition. "Temporary use of land" means any use of land not involving the erection of any structure, as defined in this title, other than a sign, which use is intended to be intermittent or to remain for a limited period of time, not exceeding six months. Such use need not be listed as a permitted use in the zoning district in which it is located.

B. Temporary Uses of Land in the C, M, R and CZ Districts.

1. Temporary uses of land in the C, M, R and CZ districts may include, but are not limited to, temporary offices, construction yards (not located on the property where construction is taking place), parking lots, circuses or carnivals, parking lot sales, special exhibits and displays, sales of merchandise from a vehicle and sales of

seasonal merchandise (Christmas trees, pumpkins and the like).

2. Temporary uses of land shall be prohibited in the R districts, except as follows:

a. Where the use is permitted by other provisions of this title or this code. (Examples: home occupations, temporary tract offices, garage sales);

b. Where a contractor's yard is needed in conjunction with the installation of a nearby public improvement , subject to the procedures set forth in subsections C, D and E of this section.

C. Application. Any person may apply to the city or approval of a temporary use of land not less than three weeks prior to a city council meeting. Such application shall be on a form prescribed for that purpose, and shall include the written consent of the owner of the property on which the use is to be located.

D. Approval.

1. Any temporary use of land must be approved in writing by the council before such use commences. The city council may approve, conditionally approve, or disapprove an application for such use.

2. The city council may require a conditional use permit for approval of a temporary use of land where it finds that the proposed use may be of particular interest or concern to surrounding property owners or to the public at large. A conditional use permit must be required for those uses which would require a conditional use permit under other provision of this title.

E. Conditions of Approval.

1. The city council may approve an application for temporary use of land for a period not to exceed six months only upon making all of the following findings:

a. The proposed use will not adversely affect adjacent structures and uses or the surrounding neighborhood;

b. The proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic in the immediate area;

c. The proposed use will not create a demand for additional parking which cannot be met safely and efficiently in existing parking areas;

d. The proposed use will not conflict with the terms or intent of any planned unit development permit or conditional use permit currently in effect on the property;

e. The proposed use will not otherwise constitute a nuisance or be detrimental to the public welfare of the community;

f. The proposed use is consistent with coastal zone regulations.

2. In addition, the city council may not finally approve an application for temporary use of land until the applicant and property owners have certified in writing the following:

a. The use will be limited to the dates and times (or period of time), nature and extent prescribed by the city council;

b. All work, including electrical and plumbing, will conform to all requirements of applicable codes;

c.. Provisions for fire protection and fire vehicle access will be made as prescribed by the fire chief;

d. Signing will be limited to that approved by the city council;

e. The site will be continuously maintained free of weeds, litter and debris;

f. Within three days after removal of the temporary use, the site will be completely cleaned; all trash, debris, signs and sign supports and temporary electrical service will be removed;

g. Any additional limitations imposed by the city council as conditions of approval will be met.

F. Extension of Approval. Not less than five months after initial approval, the city council may consider an application for extension of a temporary use of land for an additional period not exceeding six months. Such application shall be subject to all foregoing provisions of this section.

G. Violation--Penalty. Any person who undertakes, operates or maintains a temporary use of land in any district other than in strict compliance with the provisions of this section or the terms and conditions of any written approval granted therefor, shall be subject to penalties. (Ord. 84-1 §33-11, 1984)

Chapter 18.63

ACCESSORY DWELLING UNITS

Sections:

18.63.010 Purpose

18.63.020 Definition of Accessory Dwelling Unit

18.63.030 Designation of Areas Where Accessory Units are Permitted

18.63.040 Development Standards

18.63.050 Density Created Does Not Alter Consistency with the General Plan and Applicable Zoning District

18.63.010 Purpose. The purpose of this Chapter is to comply with the requirements of Assembly Bill 1866 (2002) regarding the permitting of “second units” in certain designated areas of a City. For purposes of this Chapter, accessory dwelling units shall mean and be equivalent to second units as specified in that legislation.

18.63.020 Definition of Accessory Dwelling Unit. Accessory dwelling unit means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.

18.63.030 Designation of Areas Where Accessory Units Are Permitted. When the standards of this Chapter are satisfied, accessory dwelling units shall be allowed in all areas within the General Plan designation of “East Dunes Specific Plan” and within the MU-P (Planned Mixed Use) zoning district, the two primary areas of town where residential development is encouraged by the Housing Element.

18.63.040 Development Standards. Accessory Dwelling units shall be allowed by an accessory dwelling unit permit for parcels larger than 1,875 square feet in all areas of Sand City that are designated for their use as specified in Section 18.63.030, provided the following development standards are applied to each permit application. The permit must be approved if the application meets all of the following standards.

A. The unit shall not be sold separately from the principal dwelling unit(s) on the property and it may be rented.

B. The lot or parcel on which the accessory dwelling unit is proposed already contains an existing, single-family detached dwelling unit.

C. The accessory dwelling unit may be attached to the existing dwelling or detached from the existing dwelling, subject to review and approval by the Design Review Committee (DRC)

D. The increased floor area of an attached accessory dwelling unit shall not exceed 30 percent of the existing floor area of the single-family residence.

E. The total floor area for a detached second unit shall not exceed 800 square feet.

F. Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges and all other zoning requirements shall be applicable as they relate to the zoning district in which the proposed accessory unit will be located.

G. All building code requirements shall be satisfied.

H. The applicant for an accessory dwelling unit permit shall be an owner-occupant of the property in which the accessory unit is proposed.

18.63.050 Density Created Does Not Alter Consistency with the General Plan and Applicable Zoning District. As provided in the state legislation requiring cities and counties to adopt second unit regulations, an accessory dwelling unit consistent with the standards of this Chapter shall not change the density calculation of the relevant parcel and shall be considered consistent with the density limitations of the respective zoning and general plan designations of the property on which it is located. (Ord. 03-02, 2003)

Chapter 18.64

PARKING AND LOADING AREAS

Sections:

- 18.64.010 Off-street loading space required.
- 18.64.020 Off-street parking spaces required-Generally.
- 18.64.030 Off-street parking--Alternate methods.
- 18.64.040 Off-street parking—Size and access.
- 18.64.050 Off-street parking--Number of spaces required.
- 18.64.060 Development and maintenance of parking areas.
- 18.64.070 Exception--Appeal.
- 18.64.080 On-site circulation standards.

18.64.010 Off-street loading spaces required.

A. In any district, in connection with every building or part thereof hereafter erected

and having a gross floor area of two thousand square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, laundry, dry cleaning or other use similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space to be used exclusively for such purpose for each five thousand square feet of gross floor area so used; provided, that not more than two such loading spaces shall be required unless such gross floor area exceeds eighty thousand square feet, in which case there shall be provided one additional loading space for each forty thousand square feet or major fraction thereof in excess of eight thousand square feet.

B. Each loading space shall be not less than twelve feet in width, forty feet in length and sixteen feet in height, and shall be clearly marked for this use. Buildings of three thousand square feet or less will be allowed a length reduction of ten feet and allowed to use a portion of the building interior. (Ord. 84-1 §32-16 (a), 1984)

18.64.020 Off-street parking spaces required--Generally. At the time of erection of any building or structure in connection with any use in any district, adequate on-site parking shall be provided as required by this chapter. At the time that any building or structure is enlarged or increased in capacity by adding floor area or seats or at the time any such building is changed in use so that the new use requires more parking spaces under these regulations than the former use, additional parking shall be provided to the extent required for such new construction, enlargement, increased capacity or change in use. Adequate provision for ingress and egress shall be made, and the parking space shall thereafter be maintained in good condition. Nothing herein, however, shall be interpreted to require the provision of additional parking for buildings or structures that have remained, or are, idle or vacant unless such buildings or structures are enlarged, increased in capacity or changed in use. Parking provided in any area reserved for future street widening by an official plan line shall not be deemed to meet the requirements of this chapter. (Ord. 84-1 §32-16 (b)(1), 1984)

18.64.030 Off-street parking--Alternate methods. If the required off-street parking for any use cannot be provided on the same parcel on which the use is located because of the size or shape of the parcel, then the required parking may be provided on other property under the following circumstances and conditions:

A. The parking shall be set aside from other parking on the same premises and shall be clearly marked for the exclusive use of the customers and employees of the use for which it is provided.

B. Signs showing the availability and location of such parking shall be placed on the parcel on which the use is located.

C. The parking shall be developed, improved and maintained in accordance with the requirements of Section 18.64.060.

D. The parking shall be developed in accordance with the local coastal program and coastal zone regulations, if applicable. (Ord. 84-1 §32-16 (b)(2), 1984)

18.64.040 Off-street parking--Size and access. Each off-street parking space shall be of usable shape, arrangement and condition and shall be not less than eight and one-half feet by nineteen feet measured along the angle of parking and a compact parking space eight and one-half feet by sixteen feet. A maximum of fifty percent of the parking shall be for compact cars in the commercial and industrial districts. Parking areas shall be suitably paved, drained, lighted and appropriately planted and fenced for the protection of adjacent properties in accordance with specifications of the city and shall be arranged for convenient access, egress and safety of vehicles and pedestrians. All circulation within a parking lot shall be internal and shall not be dependent upon a public right-of-way although alleys may be used. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than ten feet in width in the case of a single dwelling, and not less than twenty feet in width in all other cases, leading to the required parking, storage or loading. There shall be a driveway to any enclosed garage or other enclosed structure provided for the parking of a motor vehicle. (Ord. 84-1 §32-16 (b)(3), 1984)

18.64.050 Off-street parking--Number of spaces required. The number of off-street parking spaces required shall be as set forth in this section. In applying these requirements, the term "floor area" means the total floor area within the exterior walls of any building or structure.

A. Automobile or Machinery Sales and Service Garages.

1. Machinery sales, one space per five hundred square feet of floor area,
2. Automotive repair, major, five spaces per bay or working area, with a minimum of ten spaces. No bay or service area may itself be used to satisfy this requirement.
3. Automotive repair, minor, four spaces per bay or working area, with a minimum of five spaces. No bay or working area may itself be used to satisfy this requirement,
4. Automotive parts and accessories, sales and service, one space per two hundred fifty square feet of floor area;

B. Banks and post offices, one space per two hundred square feet of floor area;

C. Business and professional offices other than medical or dental offices, one space

per three hundred feet of floor area;

D. Churches, one space for each six seats in the auditorium or one space for each fifteen classroom seats, whichever is greater;

E. Dancehalls and assembly halls without fixed seats, exhibition halls except church assembly rooms in conjunction with auditorium, one space for each one hundred square feet of floor area used for assembly or dancing;

F. Dwellings, single-family and duplex, two spaces per dwelling unit. Single-family is required to have one of those spaces covered, duplexes, one and one-half;

G. Dwellings, multiple (apartments, condominiums, or other multiple family developments), one and one-half covered parking spaces per unit of which at least one parking space per unit shall be covered for units of zero through two bedrooms; two spaces per unit for units of three or more bedrooms, of which at least one parking space per unit shall be covered. (Ord. 07-03, 2007)

H. Dwellings, mobile-and manufactured homes (mobile homes),two per unit (one covered);

I. Furniture and appliance stores; furniture repair shops, one for each five hundred square feet of floor area;

J. Roominghouses and lodging-houses, one for each bedroom;

K. Manufacturing plants, research or testing laboratories, bottling plants; the greater of: one space for every two employees in the maximum work shift; or one parking space for each seven hundred square feet of gross floor area devoted to manufacturing, shipping or receiving, plus one space for each three hundred square feet of gross floor area devoted to office use;

L. Medical or dental offices, five spaces per doctor in each medical or dental office;

M. Laundrettes and self-service laundries, one space per two washers and dryers;

N. Hotels and motels, one space for each living or sleeping unit;

O. Restaurants, taverns and nightclubs, one space for each fifty square feet where the capacity is not determined by fixed seats, one space for each two and one-half seats;

P. Retail stores, shops, etc., one space per three hundred square feet of floor area;

Q. Childrens' homes, one space for each four beds plus one space for each

employee;

R. Visitor serving commercial (coastal zone):

1. Dancehalls and assembly halls, one space for each one hundred square feet of floor area used for assembly or dancing,
2. Hotels, motels, one space for each room,
3. Campgrounds and recreational vehicle parks, one space for each sleeping area,
4. Restaurants, taverns and nightclubs, one space for each fifty square feet where capacity is not determined by fixed number of seats; otherwise one space for each two and one-half seats,
5. Retail shops, stores and other visitor serving commercial use, one space per three hundred square feet of floor area,
6. In addition to on-site parking requirements for each use, an additional ten percent of the project's total required parking shall be required for public parking, either on-site or at another location that would serve to benefit public access, with the location subject to city council approval;

S. Wholesale establishments, warehouses or utility buildings, one space for each one thousand square feet of gross floor area or one parking space for each two employees on the maximum shift, whichever is greater. Self-storage facilities, including mini-storage shall require one space for every 50 rental storage units. (Ord. 98-05, §1, 1998)

T. Regional Commercial (C-4 district: All uses in the C-4 district shall have one space per two hundred fifty (250) square feet of floor area. (Ord. 89-1 §2.0, 1989)

In the case of any use which is not specifically mentioned herein, the parking provisions for a similar use shall apply. (Ord. 86-10 §1.0, 1986; Ord. 84-1 §32-16 (b)(4), 1984)

18.64.060 Development and main-

tenance of parking areas. Every parcel of land hereafter used as a public or private parking area, including an automobile, equipment, trailer or other open-air sales lot, shall be developed and maintained in accordance with the following requirements:

A. Screening and Landscaping. Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins or faces any R district or institutional premises by a visual barrier such as an evergreen hedge, solid fence, masonry screen wall, or preferably a dune berm, where appropriate. Such visual

barrier shall be not less than four feet nor more than six feet in height and shall be maintained in good condition without any advertising thereon.

B. Surfacing. An off-street parking area shall be surfaced with an asphaltic, cement, or some other appropriate pavement material so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading, parking and storage of vehicles.

C. Lighting. Any lighting use to illuminate any off-street parking area shall be so arranged as to reflect the light away from the adjoining premises in any district.

D. Parking Space Use. Off-street parking areas shall not be used for the repair, servicing or storage of materials, machinery or trailers; the sale of any goods or services; or, as a work area. No structure is permitted in any off-street parking area.

E. Wheel Stops. Bumpers, posts, wheel stops or any other acceptable device shall be provided for all parking spaces. All such devices shall be firmly attached to the ground.

F. Striping. All off-street parking spaces shall be striped to show the required dimensions of the parking spaces. Each line or stripe shall be a minimum of four inches wide. (Ord. 86-10 §2.0, 1986; Ord. 84-1 §32-16 (b)(5), 1984)

18.64.070 Exception--Appeal.

Except in the coastal zone, the city council may authorize, on appeal, a modification, reduction or waiver of the foregoing requirements only if it should find that in the particular case appealed, the nature of the use, or the exceptional shape or size of the property or other exceptional situation or condition, justifies such action. (Ord. 84-1 532-16 (b)(6), 1984)

18.64.080 On-site circulation standards. A paved, unobstructed access drive not less than twenty-four feet in width for two-way traffic nor less than fifteen feet in width for one-way traffic must be provided to within one hundred feet of each dwelling unit or apartment. Provision for turnaround must be designed into any dead-end or stub-end driveway which exceeds one hundred fifty feet from face of curb. Acceptable means of turnaround will be a cul-de-sac, key or T configuration of a minimum standard approved by the city council. In instances where existing lots of record have been partially developed and a twenty-four-foot access drive is not obtainable in the area of the existing development, an access drive of not less than twenty feet may be approved by the city council if, in its opinion, the circulation and access requirements can be met. (Ord. 84-1 §32-16 (c), 1984)

Chapter 18.66

SIGN REGULATIONS

Sections:

- 18.66.010** Definitions.
- 18.66.020** Sign regulations for signs in the R-1, R-2 and R-3 districts.
- 18.66.025** Sign Regulations for Signs in the C-4 District.
- 18.66.030** Sign regulations for signs in the C-3 (C-N) district.
- 18.66.040** Sign regulations for signs in the C-1 and C-2 districts.
- 18.66.060** Sign regulations for signs in the M district.
- 18.66.070** Sign regulations in the CZ district.
- 18.66.080** Abatement of non-conforming signs.
- 18.66.090** Sign maintenance.
- 18.66.100** Design control.
- 18.66.110** Political Signs.
- 18.66.120** Application for Sign.

18.66.010 Definitions. For the purpose of this chapter, the words set out in this section shall have the following meanings:

- A. "Animated sign" means a sign with action or motion, flashing color changes activated by electrical energy, electronic or manufactured sources of supply, but not including wind-actuated elements such as flags, banners or pennants.
- B. "Continuous lighting" means illumination of a sign in which the artificial light or lights are maintained in a stationary condition and remaining constant in intensity and color at all times when such sign is illuminated.
- C. "Directional or directing sign" means an on-premises incidental sign designed to guide or direct pedestrian or vehicular traffic.
- D. "Directory sign" means a sign containing no pictorial matter and only the minimum amount of reading matter necessary to identify the names, professions and locations of the occupants of the building to which such sign is appurtenant.
- E. "Double-faced sign" means a sign with two surfaces against, upon or through which the message is displayed. Both surfaces of a double-faced sign must be parallel to each other and must be tied together into one integral unit with no visible air space between the surfaces.

F. "Freestanding sign" means any sign erected upon or standing on the ground, also referred to as a ground sign. For the purpose of this section, said signs shall be supported from the ground by one or more poles, columns, uprights or braces. This definition is applicable only to on-site signing.

G. "Freeway sign" means a sign directed towards the State Route One corridor as it passes through Sand City.

H. "Indirect lighting" means the illumination of a sign by a light source that is not a component part of the sign.

I. "Internal lighting" means the illumination of a sign by a light source that is a component part of the sign itself.

J. "Obsolete sign" means a sign which no longer serves its originally intended function or is declared unsafe by the building official.

K. "Occupancy frontage" means the length of that portion of a building occupied by a single business abutting a street, alley, parking area, or other means of customer access such as an arcade, mall or walkway.

L. Occupancy Frontage Computation. For the purpose of establishing the square footage of signing for an occupancy, each occupancy frontage will be the sole measure for the square footage of signing allowable for that same frontage.

M. "Off-site sign" means a sign whose sponsor does not maintain offices and/or provide services at the site of the sign.

N. "On-site sign" means any sign used exclusively:

1. To advertise the sale or lease of the property upon which such sign is located;
2. To designate the name of the owner or occupant of the premises or to identify such premises;
3. To advertise the business conducted or services rendered or the goods produced or sold upon the property upon which such sign is located if the sign is on the same side of any public street or highway and within eight hundred feet of the point on the property or within eight hundred feet of the entrance to the site at which the business is conducted or services are rendered or goods are produced or sold.

O. "Political sign" means any temporary sign which encourages a particular vote in a scheduled election.

P. "Projecting sign" means any sign which is suspended from or is supported by a wall or building and which projects outward therefrom.

Q. "Revolving sign" means a sign which revolves three hundred sixty degrees but does not exceed eight rpm.

R. "Roof sign" means a sign mounted upon and projecting above a roof or other architectural features such as, but not limited to, mansards, parapets and the like.

S. "Shopping center" means a group of commercial establishments, the perimeter of which is clearly definable, developed on a continuous area of land, planned and developed as a single unit and providing on-site parking appropriate to the number, types and sizes of stores.

T. "Sign" means any structure, symbol, display, device or painting on or in any other manner making representation on or attached to the land, building(s), structure(s) or part thereof. Such structures, displays, symbols, devices or paintings include but are not limited to letters, numbers, words, illustrations, decorations, emblems, trademarks and lights. Signs used by public utilities for the safety, welfare or convenience of the public shall be exempt from the provisions of this definition: examples of such signs are "Danger--High Voltage," "Public Telephone," or "Underground Cable."

U. Sign Area Computation. The area of each sign surface shall be computed by calculating the area within the frame enclosing the letters or material which composes the sign, or, where there is no frame, by calculating the area of the surface upon, against, or through which the message is displayed. Where a sign is composed of separate letters which are placed or painted on a building or other similar surface not designed specifically for sign presentation, the sign area shall be computed on the basis of a shape closest to the extremities encompassing individual letters or words.

V. "Sign Plan" means and includes the location of sign or signs, size, type, method of mounting, colors; the distinction between overall building complex or building identification, individual business signs, and the relation between all signs in size, shape, type, color, etc.

W. "Street frontage" means the property line of a lot abutting the right-of-way line of public streets, excluding alleys to which such property has the legal right of access.

X. "Temporary sign" means any sign, banner, pennant or advertising display consisting of any material intended to be displayed for a short period of time only.

Y. "Wall sign" means any sign posted or painted on, suspended from or otherwise

affixed to the wall of any building or structure in such a position that is essentially parallel to the wall of the building and not more than one foot from such wall. (Ord. 88-4, §1.0, 1988; Ord. 84-1 §34-1, 1984)

18.66.020 Sign regulations for signs in the R-1, R-2 and R-3 districts.

A. The following signs shall be permitted subject to approval of a Sign Plan:

1. One sign one square foot in area with a maximum height of six (6) feet for the purposes of identifying the name and address of the occupant of the premises.
2. One sign not to exceed a total of sixteen (16) square feet for any permitted institutional or multi-family use.
3. One temporary sign not more than six (6) square feet in area pertaining to the sale, lease, or rental of the premises on which it is located.
4. Subdivision Directional Signs. Unlighted, temporary subdivision directional signs not to exceed thirty two (32) square feet in area, for the purposes of providing necessary travel directions to a subdivision development located in the city, may be permitted as a conditional use. Said sign may contain, in addition to travel directions, the name of the land development project to which it pertains, including a characteristic trademark or other identifying insignia. The city may impose any conditions which it deems necessary in order to make the sign, to the extent possible, compatible to the development in the vicinity, including the requirement of a signed statement by the applicant, owner of the signs and the owner or lessee of the property on which the signs are to be placed, agreeing that if such signs are not removed within five days after expiration of permit, they may be removed by the city without further notice.
5. All signs, except subdivision directional signs and construction signs, may be illuminated if the lighting is continuous or indirect, and shielded from abutting properties or the street. Said signs shall be stationary and contain no visible moving parts;
6. All signs shall meet zoning setback requirements.
7. All signs attached to or projecting from a wall, and all free-standing signs, shall require a building permit.

B. The following signs may be permitted with a conditional use permit subject to city council approval:

1. Signs larger than those specified above but only if it is demonstrated that a larger

sign is essential to the operation of the building or use, not detrimental to surrounding properties, or of exceptional design. Such increase shall not exceed thirty percent of the permitted dimensions.

C. Signs not permitted in these districts:

1. Off-site signs;
2. Animated signs;
3. Revolving signs;
4. Roof signs;
5. Freeway signs with the exception of wall signs which are located on street frontage. (Ord. 88-4 §1.0, 1988; Ord. 84-1 §34-2, 1984)

18.66.025 Sign Regulations for Signs in the C-4 District.

A. The following detached signs shall be permitted subject to approval of a sign plan:

1. Two (2) pylon signs displaying the name of the regional commercial center and major anchor tenants may be permitted if the design is compatible with the architectural theme of the regional commercial center. The pylon may be a maximum of two hundred and fifty (250) square feet in area on each face. Each pylon sign may be visible from Highway 1.
2. One (1) monument sign at each primary entrance to the regional commercial center. Each monument sign shall include the name of the regional commercial center and may include the names of major anchor tenants. Each monument sign may not exceed ten (10) feet in height. Each monument sign may be a maximum of one hundred and fifty (150) square feet on each face. Monument signs may be visible from Highway 1.
3. One (1) kiosk not exceeding ten (10) feet in height and six (6) feet in diameter, containing community service information only. No tenant advertising or location directory will be allowed and the kiosk shall be kept clean and orderly.
4. General directory signs no larger than twenty-five (25) square feet for the total center or two (2) square feet for each use represented therein, whichever is greater. The sign shall not exceed ten (10) feet in height inclusive of ornamentation and shall not be a part of any other sign structure.

B. The following attached signs shall be permitted subject to approval of a sign plan:

1. The size of signs for an approved regional retail use shall not exceed one and one-half (1.5) square feet per linear foot of tenant's building frontage. The location

and type of any attached sign shall be reviewed and approved by the Design Review Committee. Advertising of a product available on the premises is permitted on any of the permitted signs provided that such advertising does not occupy more than one-eighth (1/8) of any individual sign.

2. Individual signs shall be either wall signs (signs attached flat against the wall) or hanging signs (signs hanging under the building eave).

C. The following signs are permitted subject to approval by the city council:

1. Signs larger than those permitted in this chapter, if it is demonstrated that a larger sign is essential to the operation of the use or building, not detrimental to surrounding properties, or of exceptional design;

2. Sign lighting other than that permitted below may be permitted provided that such lighting is not detrimental to surrounding properties and provided that it serves a useful purpose.

D. All signs may be illuminated if the lighting is continuous, indirect or internal, and shielded from surrounding properties. Said signs shall be stationary and contain no visible moving or flashing parts.

E. Design Review Committee review and approval shall be obtained for all signs.

F. Building permit shall be obtained for all signs. (Ord. 89-1 §3.0, 1989; Ord. 88-4 §1, 1988)

18.66.030 Sign regulations for signs in the C-3 (C-N) district.

A. The following signs shall be permitted subject to approval of a Sign Plan:

1. One free-standing sign to identify the neighborhood shopping center. Said sign shall not exceed twenty-five (25) feet in height or thirty (30) square feet in area on any one face. The total sign area of signs with more than two faces shall not exceed sixty (60) square feet;

2. One individual sign for any retail use. The size of the sign shall not exceed one-half square foot per foot of occupancy frontage. No matter how small the frontage of an establishment, at least eight (8) square feet of signing will be allowed. The sign shall be located under the eave line, unless otherwise specified in the planned unit development permit approved for the center;

3. For the purpose of establishing the square footage of signing for any occupancy, each occupancy frontage will be the sole measure for the square footage of signing allowable for that same frontage; (Ord. 88-4, §1, 1988)

4. The vertical dimension of individual signs shall not exceed three (3) feet;
5. A general announcement or directory sign for a shopping center no larger than sixteen (16) square feet for the total center or two (2) square feet for each use represented therein, whichever is greater. If detached, the sign shall not exceed six (6) feet in height inclusive of ornamentation and shall not be part of any other sign structure;
6. All signs may be illuminated if the lighting is continuous, indirect or internal and shielded from abutting properties. Said signs shall be stationary and contain no visible moving or flashing parts;
7. Advertising of a product available on the premises is permitted on any of the permitted signs provided that such advertising does not occupy more than one-eighth of any individual sign;
8. There shall be a common theme to the signing of a shopping center. The theme should include some identifiable common element or elements such as: dimension, construction material, color scheme, lighting or lettering style. All signs in the center shall be integral components of the common theme;
9. All signs attached to or projecting from a wall, and all free-standing signs, shall require a building permit. (Ord. 88-4, §1, 1988)

B. The following signs may be permitted with a conditional use permit subject to city council approval:

1. Signs larger than those specified above but only if it is demonstrated that a larger sign is essential to the operation of the building or use, not detrimental to surrounding properties, or of exceptional design. Such increase shall not exceed thirty (30) percent of the permitted dimensions.
2. Sign lighting other than that permitted in subsection (a) may be permitted provided that such lighting is not detrimental to surrounding properties and provided that it serves a useful purpose such as improving the environment or establishing an architectural theme.

C. Signs not permitted in this district:

1. Off-site signs;
2. Temporary signs;
3. Animated signs;
4. Revolving signs;
5. Roof signs;

6. Freeway signs with the exception of wall signs which are located on street frontage. (Ord. 88-4 §1.0, 1988; Ord. 84-1 §34-3, 1984)

18.66.040 Sign regulations for signs in the C-1 and C-2 districts. A. The following signs shall be permitted subject to approval of a Sign Plan:

1. The total area of signing shall not exceed one square foot for each foot of occupancy frontage. For multi-faced signs, all surfaces will be included as part of the total area of signing;

2. For the purpose of establishing the square footage of signing for an occupancy, each occupancy frontage will be the sole measure for the square footage of signing allowable for that same frontage.

3. For the purpose of determining square footage of allowable signing for outdoor sales-type uses (i.e., used car lots, service stations and similar uses), street frontage will be substituted for occupancy frontage. The total signing in such a case in the C-1 zone shall not exceed one square foot of signing for each linear foot of street frontage; in the C-2 zone, it shall not exceed two square feet of signing for each linear foot of street frontage;

4. Subdivision Directional Signs. Unlighted, temporary, subdivision directional signs not to exceed thirty-two (32) square feet in area, for the purpose of providing necessary travel directions to a subdivision development located in the city, may be permitted as a conditional use. Said sign may contain, in addition to travel directions, the name of the land development project to which it pertains, including a characteristic trademark or other identifying insignia. The city may impose any conditions which it deems necessary in order to make the sign, to the extent possible, compatible to the development in the vicinity, including the requirement of a signed statement by the applicant, owner of the signs and the owner or lessee of the property on which the signs are to be placed, agreeing that if such signs are not removed within five (5) days after expiration of permit, they may be removed by the city without further notice;

5. Window Signs. Signs attached to or painted on window surfaces may not exceed more than twenty-five percent of the window area. The square footage of such signing shall not be chargeable to the otherwise allowed signing. No temporary signs shall be affixed to the outside surface of any window;

6. Within the limitations of the above measures, signing may consist of any combination of free-standing signs, signs attached flat against the wall, projecting signs, and wall signs;

7. In the case of a shopping center:

- a. One additional free-standing center identification sign is permitted. Such a sign shall not exceed twenty-five (25) feet in height or thirty-two (32) feet in area on any one face. The total area of a sign with more than two faces shall not exceed sixty-four (64) square feet. Height of the sign may be increased to a maximum of twenty-five (25) feet by providing one foot of setback for each additional foot in height,
 - b. One general announcement or directory sign is permitted. Such a sign shall be no larger than sixteen (16) square feet for the total center or two (2) square feet for each use represented therein, whichever is greater. If detached, the sign shall not exceed six (6) feet in height inclusive of ornamentation and shall not be part of any other sign structure,
 - c. For each individual occupancy, the total area of signing shall not exceed one-half square foot of signing for each foot of occupancy frontage,
 - d. Signs for each individual occupancy shall be either wall signs, signs attached flat against the wall, or signs hanging under the eave parallel to the building frontage.
8. A free-standing sign shall not exceed a height of fifteen (15) feet at property line. This height may be increased to a maximum of twenty-five (25) feet by providing one foot of setback for each additional foot in height.
 9. All signs, except subdivision directional signs and construction signs, may be illuminated only with continuous neon lighting or with continuous indirect or internal lighting;
 10. Advertising of a product available on the premises is permitted on any of the permitted signs provided that such advertising does not occupy more than one eighth of any individual sign;
 11. All signs attached to or projecting from a wall, and all free-standing signs, shall require a building permit.

B. Signs not permitted in this district:

1. Freeway signs with the exception of wall signs which are located on street frontage. (Ord. 88-4 §1.0, 1988; (Ord. 84-1 §34-4, 1984)

18.66.060 Sign regulations for signs in the M district.

A. The following signs shall be permitted subject to approval of a Sign Plan:

- 1, Wall signs to identify the premises not to exceed one (1) square foot for every one (1) linear foot of building frontage up to a maximum of one hundred (100)

square feet. In the case of buildings with frontage on two or more streets, the signing on any one street shall not exceed the above requirements. Such signs shall be flat against the building and shall not extend above the top of the wall to which it is attached.

2. Directional signs; provided, that they conform to standard traffic directional signs and symbols;

3. One ground sign not to exceed thirty-two (32) square feet in area per side. The total of signs with more than two faces shall not exceed sixty-four (64) square feet;

4. All signs, except subdivision directional signs and construction signs, may be illuminated only with indirect neon or internal continuous lighting;

5. All signs painted on, attached to or projecting from a wall, and all freestanding signs, shall require a building permit.

6. One temporary sign pertaining to the sale, lease, or rental of the premises on which it is located is permitted. Such a sign shall not exceed thirty-two (32) square feet in size and shall be removed after no longer than one year.

B. The following signs may be permitted with a conditional use permit subject to city council approval:

1. Signs larger than those specified above but only if it is demonstrated that a larger sign is essential to the operation of the building or use, not detrimental to surrounding properties, or of exceptional design. Such increase shall not exceed thirty percent of the permitted dimensions;

2. Roof signs or revolving signs if located at least one hundred fifty feet from any residential or C-3 zone. The subject and structure of such sign must be an integral part of the architectural design of the building. Said sign shall only identify the premises.

C. Signs not permitted in this district:

1. Animated signs;

2. Off-site signs;

3. Freeway signs with the exception of wall signs which are located on street frontage. (Ord. 88-4 §1.0, 1988; Ord. 84-1 §34-6, 1984)

18.66.070 Sign regulations in the CZ district.

A. Sign regulations of similar uses outside the coastal zone shall apply to coastal

zone uses, consistent with coastal zone regulations.

B. All signs erected within the coastal zone shall be subject to design review according to guidelines established in the local coastal program.

C. Signs not permitted in this district:

1. Freeway signs with the exception of wall signs which are located on the street frontage. (Ord. 88-4 §1.0; Ord. 84-1 §34-7, 1984)

18.66.080 Abatement of nonconforming signs. Signs which are nonconforming or become nonconforming through zone change or provisions of this article, including approved variances and amendments hereto, shall be removed or made to conform when the use or structure is changed or altered, or when a discretionary action is necessary. (Ord. 88-4 §1.0, 1988; Ord. 84-1 §34-8, 1984)

18.66.090 Sign maintenance. All signs in the city of Sand City shall be kept in a safe and attractive condition. The city council, at its discretion, may require that a sign be removed or repaired if it is determined to be a visual nuisance. (Ord. 88-4 §1.0, 1988; Ord. 84-1 §34-9, 1984)

18.66.100 Design control. All new signs or any signs that are to be changed or altered in the city, pertaining to all permitted and conditional uses, shall be subject to review by the Design Review Committee and the procedures and standards specified in Chapter 18.58. No sign, unless exempted by this ordinance, shall be erected, or constructed without first obtaining permission from the Design Review Committee pursuant to this ordinance. (Ord. 88-4 §1.0; Ord. 84-1 §34-10, 1984)

18.66.110 Political Signs.

A. Temporary political signs shall be permitted:

1. But not be placed sooner than ninety (90) days prior to the scheduled election.
2. Removed within ten (10) days after election.
3. With a sign area no larger than thirty-two (32) square feet.

B. Temporary political signs are exempt from the requirements for application and design review committee review. (Ord. 88-4 §1.0, 1988)

18.66.120 Application for Sign.

A. Prior to the erection of any sign, the applicant shall apply for the sign on a form provided by the city and pay the appropriate fees. The form shall be signed by the applicant and the landowner. (Ord. 88-4 §1.0, 1988)

Chapter 18.68

SITE PLAN

Sections:

18.68.010 Site plan approval.

18.68.020 Site plan review--Requirements--Fee.

18.68.010 Site plan approval. The purpose of site plan approval is to determine compliance with this title. A building permit shall not be issued until site plan approval has been obtained for the following uses:

- A. For any use requiring site plan approval;
- B. For any use requiring a conditional use permit or planned unit development permit. (Ord. 84-1 §36-3, 1984)

18.68.020 Site plan review--Requirements--Fee.

- A. The city shall charge a one hundred dollar fee for site plan review.
- B. Any applicant for site plan review shall, at the applicant's own expense, supply such maps, information and reports as may be prescribed by city officers for purposes of making the determinations required. The applicant shall pay all costs incurred by the city in obtaining information for reports, and in preparing, evaluating, posting and advertising in connection therewith. The city council may require advance deposit of anticipated costs. The city shall also receive and consider any information in connection with the project offered by any member of the public or any other public agency. A cost estimate (for costs to be incurred) shall be prepared by the city planner for each project that the city council determines will exceed that amount as listed in subsection A of this section.
- C. The site plan review fee shall be due and payable upon submittal of the application to the city clerk. (Ord. 82-5 §1.0--3.0, 1982)

Chapter 18.69

USES PROHIBITED IN ALL DISTRICTS

Sections:

18.69.010 Marijuana Dispensaries

18.69.010 Marijuana Dispensaries.

A. Medical marijuana dispensaries and any marijuana sales establishments are prohibited in all zoning districts within the City, including those within the coastal zone. A “medical marijuana dispensary” shall mean any facility or location where marijuana (cannabis) is made available for medical purposes and/or distributed to a primary caregiver, qualified patient, or person with an identification card. “Primary caregiver”, “qualified patient”, and “person with an identification card” shall be as defined in Health and Safety Code Section 11362.7.

B. The establishment or operation of any medical marijuana dispensary within the City is hereby declared to be a public nuisance. The city attorney shall, upon order of the council, immediately commence a civil action or proceeding for the abatement and removal and enjoinder of any medical marijuana dispensary. In any civil action to enforce the provisions of Section 18.69.010.A, where the City seeks recovery of its costs and attorneys’ fees, the prevailing party shall be entitled to recover from the losing party its reasonable costs including but not limited to attorneys’ fees, the costs of investigation, court costs and the costs of monitoring compliance with any order or judgment entered in such an action. Upon entry of a second or subsequent civil judgment within a two-year period for abatement of medical marijuana dispensary, the court may order the property owner to pay treble the costs of abatement, except as otherwise provided by State law.

C. Notwithstanding any other provision of the Sand City Municipal Code, including but not limited to the provisions of Chapter 1.16 of the Sand City Municipal Code, the operation of a medical marijuana dispensary shall not be prosecuted by the City as a criminal offense.

Chapter 18.70

NONCONFORMING AND CONDITIONAL USES

Sections:

18.70.010 Continuing existing uses.

18.70.020 Conditional uses.

18.70.030 Nonconforming uses of buildings or other property.

18.70.040 Extension of non-conforming uses.

18.70.050 Cessation of non-conforming uses.

18.70.060 Construction approved prior to ordinance adoption.

- 18.70.070 Motor vehicle repair--Use permits required.**
- 18.70.080 Nonconforming uses by virtue of performance standards Conformance.**
- 18.70.090 Replacement of damaged or destroyed nonconforming uses.**
- 18.70.100 Changes in permitted uses.**
- 18.70.110 Repairs to nonconforming uses--Limitations.**
- 18.70.120 Conversion of dwellings to nonresidential uses.**
- 18.70.130 Discontinuance of nuisances.**

18.70.010 Continuing existing uses. Except as hereinafter specified, any use, building or structure existing at the time of the enactment of the ordinance codified in this title may be continued, even though such use, building or structure may not conform with the provisions of this title for the district in which it is located; provided, however, that this section does not apply to any use, building or structure established in violation of the California Coastal Zone Conservation and Development Act of 1972 or of the California Coastal Act of 1976 or of any zoning ordinance previously in effect in the city, unless such use, building or structure now conforms with this title. (Ord. 84-1 §32-1, 1984)

18.70.020 Conditional uses. Any use legally existing on the effective date of the ordinance codified in this title, which is listed as a conditional use in the district wherein located, shall be and remain a nonconforming use until a conditional use permit is obtained as provided in this title. (Ord. 84-1 §32-2, 1984)

18.70.030 Nonconforming uses of buildings or other property. No existing building or premises or use thereof, nonconforming in the district in which such building, premises or use is located, shall be enlarged, extended, reconstructed, substituted, structurally altered, or otherwise changed, except when required by law or official order, unless such building, premises or use is changed to a use permitted in the district in which the building, premises or use is located, except as otherwise provided herein. (Ord. 84-1 §32-3, 1984)

18.70.040 Extension of nonconforming uses.

A. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use;

B. When authorized by the city council in accordance with the provisions of this title, enlargement or completion of a building devoted to a nonconforming use upon a lot occupied by such building, where such enlargement is necessary and incidental to the existing use of such building, may be made;

C. When authorized by the city council in accordance with the provisions of this title, a nonconforming use may be extended throughout those parts of a building which were designed or arranged for such use prior to the date when such use of

such building became nonconforming, if no structural alterations, except those required by law, are made therein; and

D. In authorizing any extensions of nonconforming uses under this section the city council shall be guided by the following criteria:

1. Restrict such extension to the recorded parcel upon which the nonconforming use is located,
2. Require that all existing structures be in full compliance with applicable standards of the district in which such nonconforming use is located,
3. Allow change in use to be only to a use allowed in a more restrictive zone,
4. Extension of a nonconforming use should be allowed only in compliance with applicable standards of the district in which such nonconforming use is located,
5. Authorization for such expansion or change in use should be in the form of a written agreement between the property owner and the city. Such agreement should incorporate an approved site plan showing existing and proposed structures and improvements. (Ord. 84-1 532-4, 1984)

18.70.050 Cessation of nonconforming uses.

A. Cessation of Use of Building Designed for Nonconforming Use. No building or structure which was originally designed for a nonconforming use, where such use has ceased six months or more, shall again be put to a nonconforming use.

B. Cessation of Use of Building Not Designed for Nonconforming Use. No building or structure which was not originally designed as nonconforming use, where such use has ceased for three months or more, shall again be put to a nonconforming use.

C. Cessation of Use of Nonconforming Use of Land. No noncon-forming use of land, not involving any building or structure, except minor structures such as fences, signs and buildings less than four hundred square feet in area, where such use has ceased for sixty days or more, shall again be put to a nonconforming use.

D. Cessation of Use Defined. As used herein, a use shall be deemed to have ceased when it has been discontinued either temporarily or permanently, whether with the intent to abandon such use or not. (Ord. 84-1 §32-5, 1984)

18.70.060 Construction approved prior to ordinance adoption. Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure, or part thereof, where

official approvals and required building permits have been granted before the enactment of the ordinance codified in this title or any amendment thereof, the construction of which conforming with such plans, shall have been started prior to the effective date of the ordinance codified in this title and completion thereof carried on in a normal manner within the subsequent six months' period, and not discontinued until completion except for reasons beyond the builder's control. (Ord. 84-1 §32-6, 1984)

18.70.070 Motor vehicle repair--Use permits required.

A. In all zoning districts where motor vehicle repair or servicing establishments are not prohibited uses, the use of any property for said uses shall be conditional uses as provided in this Title 18, requiring conditional use permits.

B. Any use of property for motor vehicle repair or servicing establishments legally existing on the effective date of the ordinance codified in this chapter shall be and remain a nonconforming use until a conditional use permit is obtained as provided in this title.

C. Any nonconforming use referred to in subsection B of this section is subject to the provisions of Article 32 of zoning ordinance 84-1 codified in Chapters 18.62, 18.64 and 18.70. (Ord. 84-15 §§1-3, 1984)

18.70.080 Nonconforming uses by virtue of performance standards--Conformance. All uses nonconforming at the time of the adoption of the ordinance codified in this title by reason of noncompliance with performable standards established herein shall adopt necessary measures to conform therewith within three years of the adoption of the ordinance codified in this title. (Ord. 84-1 §32-8, 1984)

18.70.090 Replacement of damaged or destroyed nonconforming uses. Any nonconforming building or structure damaged by fire, flood, explosion, wind, earthquake, war, riot or other calamity or act of God, may be restored or reconstructed and used as before such happenings; provided, that it shall be substantially complete within six months of such happening. (Ord. 84-1 §32-9, 1984)

18.70.100 Changes in permitted uses. No building or use that is a permitted use in the zoning district in which it is located shall be changed to another permitted use until a zoning permit therefore has been issued by the city council as provided in this title. (Ord. 84-1 §32-10, 1984)

18.70.110 Repairs to non-conforming uses--Limitations. Such repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure; provided, no structural alterations shall be made except such as are required by law or ordinance or authorized by the council. Except as otherwise provided elsewhere in this title, the total structural repairs and

alterations that may be made in a nonconforming building or structure shall not, during its life subsequent to the date of its becoming a nonconforming use, exceed fifty percent of its then reasonable market value as determined by the city council at such time, unless such building or structure is changed to a nonconforming use. (Ord. 84-1 532-11, 1984)

18.70.120 Conversion of dwellings to nonresidential uses.

A. The conversion of an existing dwelling, or any part thereof to any nonresidential use, including office, storage, retail sales, or any other use listed as a permitted use in the district in which the dwelling is located, may be done only upon the issuance of a conditional use permit therefore, as provided in Section 18.74.010.

B. In granting a conditional use permit for such conversion, the city council shall insure, as minimum requirements, that adequate provisions are made for parking, on-site circulation, fencing and landscaping in accordance with the requirements of this title. Adequate provisions must be made for all off-site improvements found necessary by the city council, and all applicable provisions of the building and fire codes must be met. (Ord. 84-1 §32-12, 1984)

18.70.130 Discontinuance of nuisances. Nothing in this title shall be construed as permitting the continuance of a prohibited or nonconforming use found by the council to be a public nuisance for any period of time, provided such nuisance could be abated by reasonable means in a shorter time than the maximum time provided for herein. (Ord. 84-1 §32-13f 1984)

Chapter 18.72

PERMITS

Section:

18.72.010 Zoning permits.

18.72.020 Outside Storage: Discretionary Permit Approval Required.

18.72.010 Zoning permits. The purpose of the zoning permit is to determine compliance with the provisions of this title. No owner shall use or permit the use of any land, structure, or building, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning permit has been issued by the city council.

A. Application shall be made by the property owner or agent thereof on a form prescribed by the city.

B. The application fee shall be set by the council. No part of such fee shall be refundable.

C. The application shall be accompanied by drawings required by the Uniform Building Code and, in addition, by a plot plan showing the lot lines and dimensions and locations of improvements with dimensions and any other data necessary to show that yard requirements, parking requirements and all other provisions of this title are fulfilled.

D. It shall be the duty of the city council to issue a zoning permit, provided it is satisfied that the structure, building or premises, and the proposed use thereof, conform with all requirements of this title, and that all other reviews and actions, if any, called for herein have been complied with and all necessary approvals secured therefor.

E. Land or buildings may be occupied and used only for the use for which the zoning permit is issued. Such zoning permit shall be displayed on the site until all requirements thereof have been met.

F. The zoning permit may be revoked whenever the conditions of such permit have not been or are not being complied with. The permittee shall be given notice of intention to revoke such permit at least ten days prior to revocation. After conclusion of such ten days, such permit may be revoked. (Ord. 84-1 §36-1, 1984)

18.72.020 Outside Storage: Discretionary Permit Approval Required.

No person shall have outside storage of any object or material on property zoned as commercial, manufacturing, mixed use or planned unit development unless said storage is allowed as part of an approved use permit, coastal development permit, planned unit development, site plan, design permit or other discretionary approval related to the associated business activity. Outside storage as a principal use on non-residentially zoned property shall also require use permit approval by the City Council in all zoning districts. Outside storage as a principal use within residentially zoned properties shall not be allowed. (Ord. 84-1 §36-6, 1984; Ord. 01-06, 2001)

Chapter 18.74

CONDITIONAL USE PERMITS

Section:

18.74.010 Generally.

- 18.74.020 Application.**
- 18.74.030 Fee.**
- 18.74.040 Accompanying maps and drawings.**
- 18.74.050 Hearing.**
- 18.74.060 Approval.**
- 18.74.070 Use permit renewals.**

18.74.010 Generally. The purpose of the conditional use permit is to allow the proper integration into the community of uses which may be suitable only in specific locations in the zoning district or only if such uses are designed or laid out on the site in a particular manner. A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this title that are hereafter created, changed, converted or enlarged, either wholly or in part. In considering an application for a conditional use, the city council shall give due regard to the nature and condition of all adjacent uses and structures. In authorizing a conditional use, the city council may impose such requirements and conditions with respect to location, construction, maintenance and operation, and site planning, in addition to those expressly stipulated in this chapter for the particular use, as it deems necessary for the protection of adjacent properties and the public interest. (Ord. 84-1 §36-5(part), 1984)

18.74.020 Application. Application shall be made to the city council on a form prescribed for the purpose by the city. The application shall be signed by the person applying for the conditional use permit or his duly authorized agent; provided, that if this person is not the owner of the subject property, then the application shall be countersigned by the property owner or his duly authorized agent to indicate knowledge of the contents of the application. Conditional use permit, revocable, conditional or valid for a term period, may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this title. Granting of a conditional use permit does not exempt the applicant from complying with the requirements of the building code or other applicable sections of this title. (Ord. 84-1 §36-5(a), 1984)

18.74.030 Fee. The application fee shall be set by the council in an amount consistent with the actual cost of processing an application. No part of such fee shall be refundable. (Ord. 84-1 536-5(b), 1984)

18.74.040 Accompanying maps and drawings. The application shall be accompanied by such maps and drawings necessary to demonstrate that conditions set forth herein are fulfilled. (Ord. 84-1 §36-5(c), 1984)

18.74.050 Hearing. The city council shall set the matter for public hearing not less than thirty days after date of application. Notice of the action shall be posted in a local newspaper of general circulation not less than ten days prior to the date of such

hearing. Failure to read notice of hearing shall in no way affect the validity of the action taken. (Ord. 84-1 §36-5(d), 1984)

18.74.060 Approval. Provided that the city council is satisfied that the proposed structure or use conforms to the requirements and the intent of this division and the general plan, that any additional conditions stipulated by the city council as deemed necessary in the public interest will be met, and that such use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the public welfare of the community, the city council shall approve the issuance of a conditional use permit. (Ord. 84-1 §36-5(e), 1984)

Chapter 18.76

VARIANCES

Sections:

- 18.76.010 Generally.**
- 18.76.020 Application.**
- 18.76.030 Fee.**
- 18.76.040 Accompanying documents.**
- 18.76.050 Hearing by city council.**
- 18.76.060 Action by city council.**
- 18.76.070 Conditions for granting a variance.**
- 18.76.080 Coastal zone variances.**
- 18.76.090 Issuance of a building permit.**
- 18.76.100 Duration of variance.**

18.76.010 Generally. The purpose of the variance is to allow variation from the strict application of the terms of this title where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or by reason of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this chapter would cause undue hardship unnecessary to carry out the spirit and purpose of this chapter. In no case shall a variance be granted to permit a use other than a use permitted in any district or to permit relief in excess of fifty percent of any requirement of this chapter unless otherwise specified herein. (Ord. 84-1 §36-2 (part), 1984)

18.76.020 Application. Application for a variance from the provisions of this chapter shall be made by the owner of the property for which the variance is sought

or the authorized representative of such owner on a form provided for that purpose by the city. (Ord. 84-1 §36-2(a), 1984)

18.76.030 Fee. The application fee for a variance shall be as set by the city council and no part of such fee shall be refundable. (Ord. 84-1 §36-2(b), 1984)

18.76.040 Accompanying documents. The application for a variance shall be accompanied by any maps, drawings or other supplementary materials, necessary to show that the conditions required for the granting of a variance, as hereinafter set out, apply to the subject property. (Ord. 84-1 §36-2 (c) , 1984)

18.76.050 Hearing by city council. Upon receipt of an application duly filed, together with the required fee and all necessary maps and drawings, the city council shall set the matter for hearing as follows:

A. A hearing on a variance application shall be conducted by the city council within forty-five days from the date of such application;

B. The city council shall send notice on the time and place of such hearing to the applicant or to the owners of all property located within one hundred feet of the property for which the variance has been requested, not less than ten days prior to the date of such hearing. The failure of any property owner to receive notice of the hearing shall in no way affect the validity of the action taken by the city council;

C. At the hearing, the city council shall take evidence, shall afford the right of cross-examination to the applicant or to any person or persons opposing the application. (Ord. 84-1 536-2(d), 1984)

18.76.060 Action by city council. The city council shall weigh the evidence presented and render a decision on the variance application and its decision shall be to approve, conditionally approve or disapprove such application. In the event the application is approved or conditionally approved, the city council shall forthwith issue a variance in writing to the applicant, which variance shall clearly set forth the conditions under which it is granted. Should the city council deny the application, it shall promptly notify the applicant of such denial. (Ord. 84-1 §36-2(e), 1984)

18.76.070 Conditions for granting a variance. The city council shall grant a variance only when the following conditions are found:

A. That a hardship peculiar to the property and not created by any act of the owner exists. In this context, personal, family or financial difficulties, loss of prospective profits, and neighboring violations are not hardships justifying a variance. Further, a previous variance can never have set a precedent, for each case must be considered only on its individual merits;

B. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity, and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his neighbors;

C. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this title or the public interest;

D. That the condition or situation of the specific piece of property for which such variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation. (Ord. 84-1 §36-2(f), 1984)

18.76.080 Coastal zone variances. Any variance approved for development in the coastal zone shall be found to be consistent with the Local Coastal Land Use Plan. (Ord. 84-1 §36-2(g) , 1984)

18.76.090 Issuance of a building permit. Following the issuance of a variance by the city council, the building inspector shall issue a building permit if one has been requested; provided, that the applicant therefore has complied with all other sections of this chapter and all rules and regulations of the city. The building inspector and the city council shall ensure that the development pursuant to the permit is undertaken and completed only in conformity to approved plans. (Ord. 84-1 536-2(h), 1984)

18.76.100 Duration of variance. Unless specified otherwise at the time the variance is granted, the variance applies to subject property for an indefinite time and is transferable to any future owner of subject property. (Ord. 84-1 §36-2(i) , 1984)

Chapter 18.78

EXCEPTIONS AND MODIFICATIONS

Sections:

18.78.010 Modifications.

18.78.020 Existing lots of record.

18.78.030 Height limits.

18.78.040 Distance between residential structures, exceptions and modifications.

18.78.050 Projections into required yards.

18.78.060 Requests for Reasonable Accommodation: Applicability.

18.78.010 Modifications. The requirements and regulations specified hereinbefore in this title shall be subject to the exceptions, modifications and interpretations set out in this chapter. (Ord. 84-1 §35-1, 1984)

18.78.020 Existing lots of record. In any district where there exists a legal lot of record on the effective date of the ordinance codified in this title and not in violation of any ordinance on the date of the recordation of such lot, and irrespective of its area or width, any use permitted in the zoning district in which such lot of record is located shall be permitted on said lot of record; provided, however, that all other requirements for permitted uses in such district shall be met except as specifically modified elsewhere herein. (Ord. 84-1 §35-2, 1984)

18.78.030 Height limits. Except in the coastal zone, height limitations stipulated elsewhere in this division shall not apply:

A. To transmission towers, lines and poles, chimneys, smokestacks, flagpoles, radio towers and aerials;

B. To water tanks, monitors, air conditioning units, scenery lofts, and other necessary accessory units mounted on buildings, provided no linear dimension of any such structure exceeds fifty percent of the corresponding linear dimension of the building upon which such unit is mounted; or to towers and monuments, fire towers, hose towers, cooling towers, gas holders or other structures where the manufacturing process requires a greater height; provided, however, that all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five percent of the area of the lot and shall be distant not less than twenty-five feet in all parts from every lot line not less than twenty-five feet in all parts from every lot line not a street lot line;

C. To communications equipment buildings in districts where height limitations are thirty-five feet or less. (Ord. 84-1 §35-3, 1984)

18.78.040 Distance between residential structures, exceptions and modifications. The distance between residential structures may be varied where the side walls of adjoining buildings on a single lot are not parallel or are broken or otherwise irregular. In such case the average distance between residences shall not be less than the otherwise required least distance; provided, however, that such

distance shall not be less at any point than one-half the otherwise required least distance. (Ord. 84-1 §35-4, 1984)

18.78.050 Projections into required yards. Certain architectural features may project into required yards or courts as follows:

A. Cornices, canopies, eaves or other architectural features may project a distance not exceeding two feet six inches; provided, such projection shall not exceed one-half the otherwise required yard;

B. Fire escapes, stairways, open balconies, open porches and chimneys may project a distance not exceeding four feet; provided such features do not occupy, in the aggregate, more than one-third of the area of the building wall on which they are located. (Ord. 84-1 §35-5, 1984)

18.78.060 Requests for Reasonable Accommodation: Applicability. A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This Section is intended to apply to those persons who are defined as disabled under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts).

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by Section 18.78.060(A).

A. Application Requirements. Requests for reasonable accommodation shall be submitted on an application form provided by the Community Development Department, or in the form of a letter to the Community Development Director and shall contain the following information:

1. The applicant's name, address and telephone number.
2. Address of the property for which the request is being made.
3. The current use of the property.
4. The basis for the claim that the individual is considered disabled under the Acts.

5. The zoning ordinance provision, regulation or policy from which reasonable accommodation is being requested.

6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

B. Review with other land use applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including but not limited to a conditional use permit, design review, general plan amendment, zoning change, etc.), then the applicant shall file the information required by Subsection A together for concurrent review with the application for discretionary approval.

C. Review Authority. Requests for reasonable accommodation shall be reviewed by the Community Development Director if no discretionary land use approval is sought other than the request for reasonable accommodation. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application requiring design review committee (DRC) or city council approval shall be reviewed by the authority reviewing the discretionary land use application.

D. Review Procedure. When the request is under the Community Development Director's purview, he/she shall make a written determination within 45 days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Section 18.78.060(E). When the request is related to another discretionary review by the design review committee or the city council, the written determination to grant or deny the request for reasonable accommodation shall be made in accordance with Section 18.78.060(E).

E. Findings and Decisions. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to insure that the reasonable accommodation complies with the required findings.

1. Whether the housing which is the subject of the request will be used by an individual disabled under the Acts.

2. Whether the request is necessary to make specific housing available to an individual with a disability under the Acts.

3. Whether the requested accommodation would impose an undue financial or administrative burden on the City.

4. Whether the requested accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.
5. Potential impact on surrounding uses.
6. Physical attributes of the property and structure(s).
7. Alternative reasonable accommodations which may provide an equivalent level of benefit.

F. Appeal of Determination. Should the City Council ultimately decide on the request for reasonable accommodation due to its related land use authority, that decision shall be non-appealable and final. If, however, the Community Development Director or the Design Review Committee denied the request of reasonable accommodation, said decision shall be appealable to the City Council for final resolution. (Ord. 07-02, 2007).

Chapter 18.80

AMENDMENTS

Sections:

- 18.80.010 Generally.**
- 18.80.020 Initiation and fees.**
- 18.80.030 Accompanying maps and data.**
- 18.80.040 Hearing by the city council.**
- 18.80.050 Action by city council.**
- 18.80.060 No reapplication for one year following denial.**

18.80.010 Generally. The ordinance codified in this title may be amended by changing the boundaries of districts or by changing any other provisions herein whenever, in the judgment of the city council, the public necessity, convenience and general welfare require such amendment. Any amendment which changes any aspect of zoning within the coastal zone shall not be effective until approved by the California Coastal Commission within the scope of its jurisdiction at the time of the amendment. (Ord. 84-1 §38-1, 1984)

18.80.020 Initiation and fees. An amendment of this title may be initiated in any one of the following ways:

A. Upon application to the city of any owner(s) of property affected by the proposed rezoning together with the required application fee;

B. By the city council upon its own motion. (Ord. 84-1 §38-2, 1984)

18.80.030 Accompanying maps and data. An application for amendment by a property owner(s) shall be accompanied by maps, drawings and data necessary to demonstrate that the proposed amendment is in general conformance with the city general plan and that public necessity, convenience and general welfare require the adoption of the proposed amendment. An accurate legal description and a map of the property showing all existing buildings, streets, drainage, channels and property lines adjacent to or within the boundaries of subject property shall be submitted with the application. (Ord. 84-1 538-3, 1984)

18.80.040 Hearing by the city council. Upon receipt of the findings and recommendations of the city staff, the city council shall set the matter for public hearing and give notice of such hearing by at least one publication in a newspaper of general circulation at least ten days prior to such hearing. (Ord. 84-1 §38-4, 1984)

18.80.050 Action by city council. In the event new evidence is presented at the city council hearing, which evidence has not been reviewed, or should the council find that further consideration and recommendation by the city staff is necessary prior to final determination of the proposal, the city council may refer the matter of the proposed amendment back to staff for further proceedings and report consistent with council direction if any. The findings and recommendations of city staff shall be advisory only and same may be approved, modified or disapproved by the city council. At the conclusion of all hearings, if it finds that the public necessity, convenience and general welfare so require, the city council may adopt an ordinance affecting the amendment in such form as it may determine. (Ord. 84-1 §38-5, 1984)

18.80.060 No reapplication for one year following denial. Where an application for amendment to the ordinance codified in this title is disapproved by the city council no new application for an amendment substantially the same as the one disapproved will be considered for a period of one year following such disapproval. This section shall not be construed as a limitation upon the right of the city council or planning commission to initiate proposed zoning amendments even though the same or a similar proposal failed of adoption within any one-year period. (Ord. 84-1 §38-6, 1984)

Chapter 18.82

ENFORCEMENT AND PENALTIES

Sections:

18.82.010 Issuance of permits.

18.82.020 Violations unlawful.

18.82.030 Penalties.

18.82.010 Issuance of permits. All officials and public employees of the city vested with the duty or authority to issue permits shall conform to the provisions of this title, and shall issue no permit, certificate, or license for uses, buildings or purposes in conflict with the provisions of the ordinance codified in this title. Any such permit, certificate or license issued in conflict with the provisions of the ordinance codified in this title, intentionally or otherwise, shall be null and void. It shall be the duty of the building inspector and the city administrator to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure and the use of any land, building or premises. (Ord. 84-1 537-1, 1984)

18.82.020 Violations unlawful. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title, and any use of land, building or premises established, conducted, operated or maintained contrary to the provisions of this title, shall be and the same is declared to be unlawful and a public nuisance. The city attorney shall, upon order of the council, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining or using any such building, structure or property contrary to the provisions of this title. The remedies provided for herein shall be cumulative and not exclusive. (Ord. 84-1 §37-2, 1984)

18.82.030 Penalties. Except as otherwise provided, any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this title, shall be guilty of a misdemeanor. (Ord. 84-1 §37-3, 1984)

DIVISION II. ZONING-RELATED PROVISIONS

Chapter 18.84

LOCAL COASTAL PROGRAM

Sections:

ARTICLE I.

IN-LIEU FEES

- 18.84.010 Purpose.**
- 18.84.020 General requirements.**
- 18.84.030 Consistency with local coastal program.**
- 18.84.040 Fee schedule.**

ARTICLE II.

PREPARATION OF SPECIFIC PLANS

- 18.84.050 Purpose.**
- 18.84.060 Consistency with local coastal program.**
- 18.84.070 Contents.**
- 18.84.080 Procedures.**
- 18.84.090 Specific plan consistency.**

ARTICLE III.

AMENDMENTS

- 18.84.100 Actions constituting amendment.**
- 18.84.110 Initiation.**
- 18.84.120 Frequency.**
- 18.84.130 Application.**
- 18.84.140 Public notice.**
- 18.84.150 Council action.**
- 18.84.160 Local coastal program amendment certification.**

ARTICLE I. IN-LIEU FEES

18.84.010 Purpose. Where no access is shown on city planning documents or cannot be achieved consistent with local coastal program policies, payment of in-lieu fees will provide revenue for development and maintenance of accessways. (Ord. 84-6 §1, 1984)

18.84.020 General requirements. As a condition of approval of a coastal development permit, the applicant shall provide public access in accord with LCP requirements. Where no access is shown on LCP land use plan maps and other access easements are not available and/or consistent with LUP policies, payment of an in-lieu fee for development and maintenance of accessways will be required. (Ord. 84-6 §2, 1984)

18.84.030 Consistency with local coastal program. In the coastal zone, all access plans, easements, dedications or grants of easement shall be consistent with the provisions of the adopted local coastal program including all implementing ordinances. It is also intended that this article structuring access in-lieu fees be fully consistent with the city's adopted LCP policies and requirements. (Ord. 84-6 §3, 1984)

18.84.040 Fee schedule. Access in-lieu fees shall be applied as follows: Consistent with the provisions in this article and the city's general plan and local coastal plan policies and maps. A 0.05 fee per square foot of gross floor area shall be assessed. (Ord. 84-6 §4, 1984)

ARTICLE II.

PREPARATION OF SPECIFIC PLANS

18.84.050 Purpose. The purpose of this article is to establish procedures for adoption, maintenance and administration of specific plans for areas of the city in accordance with the provisions of Section 65450 et seq. of the Government Code and as may be required for the systematic execution of the local coastal land use plan. Specific plans are intended to provide a planning framework to guide future public and private developments in areas where planned developments are appropriate because of special design/siting consideration, existing small lot subdivisions, and/or the need to make land uses compatible with surrounding uses.

This article establishes procedures and regulations which apply to the development, adoption, amendment and administration of specific plans. (Ord. 84-7 §1, 1984)

18.84.060 Consistency with local coastal program. In the coastal zone, all specific plans shall be consistent with the provisions of the adopted local coastal program including the implementing ordinances. Any proposed specific plan which is not consistent with the provisions of the existing adopted and certified local coastal program may only be adopted concurrent with the adoption of other appropriate amendments to the local coastal program necessary to maintain consistency. Specific plans shall be processed pursuant to the hearing and

notification provisions of Sand City. (Ord. 84-7 §2, 1984)

18.84.070 Contents.

A. Specific plans shall include detailed regulations, conditions and programs as are necessary or convenient for the systematic implementation of the general plan and its various elements (including the local coastal land use plan) as may be appropriate.

B. The contents of the specific plan shall be determined by the city and may include any or all of the following:

1. Project description: Description of project uses and scale, form of ownership and land use density;
2. Dune management program and habitat preservation/restoration plans;
3. Identification of geological hazards setbacks;
4. Provision of public accessways and view corridors and dedication or grant of easement of public lands;
5. Design concepts for planned unit development;
6. Description of proposed lot consolidation program and transfer of development credits;
7. Architectural design and landscaping concepts;
8. Description of provisions for sewer/water service and streets;
9. Description of provisions to insure compatibility with surrounding land use;
10. Analysis of consistency with the city's adopted housing element for residential projects;
11. Supporting documentation such as biological surveys, geology reports, and maps. (Ord. 84-7 §3, 1984)

18.84.080 Procedures.

A. Preparation.

1. A specific plan may be prepared by a developer for city approval, or by the city. If the specific plan is prepared by the city, the city council may impose a special fee upon persons seeking approvals for projects within the specific plan.

2. The amount of fees shall be established so that, in the aggregate, they defray, but as estimated do not exceed, the cost of development and adoption of the specific plan. As nearly as may be estimated, the fee charged shall be a prorated amount in accordance with the applicant's relative benefit derived from the specific plan.

B. Adoption. Prior to adoption of a specific plan, the city council shall hold at least one public hearing. Notice of the time and place of such hearing shall be given at least ten calendar days before the hearing and shall be published at least once in a newspaper of general circulation. For specific plans developed in the coastal zone, hearing and notice procedures as established in the coastal zone overlay district of the Sand City zoning ordinance shall be followed. Adoption of the specific plan by the city council shall be by ordinance or resolution.

C. Amendment. Amendments to an adopted specific plan shall follow the same procedures identified in subsection B of this section. (Ord. 84-7 §4, 1984)

18.84.090 Specific plan consistency.

A. Land Use Regulation. Within an area included in an adopted specific plan all land shall be zoned consistent with the specific plan; and no discretionary land use project, public or private, shall be approved by the city unless it is found to be consistent with any applicable specific plan. If rezoning of property is required, or a transfer of development credits program is included, a local coastal program amendment is required.

B. Public Works Project. Pursuant to California Government Code Section 65553, no public building or works including new streets, sewers, or schools, shall be constructed within an area included within an adopted specific plan until such project has been reviewed by the city council to insure conformity with the specific plan. (Ord. 84-7 §5, 1984)

ARTICLE III.

AMENDMENTS

18.84.100 Actions constituting amendment. The following actions shall constitute an amendment to the local coastal program if found by the Executive Director of the California Coastal Commission to constitute an amendment to the local coastal program:

A. Any general plan amendment which affects the coastal zone including any changes to the certified policies, tables, maps or definitions of the local coastal program land use plan.

B. Any revision to the following ordinances which affect the coastal zone:

1. Zoning;
2. Water conservation;
3. Surface mining and reclamation;
4. Subdivision;
5. Park dedication;
6. Specific plan;
7. Time share.

C. Any zone district in the coastal zone.

D. The amendment of any specific plan which affects the coastal zone. The adoption of a specific plan is an amendment requiring commission approval if the specific plan differs from the local coastal land use plan or includes a transfer of development credits program. (Ord. 84-8 §1, 1984)

18.84.110 Initiation. Local coastal program amendments may be initiated at any time by an application from any person or public agency, or by a resolution of intention adopted by the city council upon its own motion or upon the recommendation of the planning staff. (Ord. 84-8 §2, 1984)

18.84.120 Frequency. The local coastal program shall not be amended more than three times during any calendar year. Each amendment may include several different changes. (Ord. 84-8 §3, 1984)

18.84.130 Application.

An application to amend the local coastal program shall be made on forms provided by the city and be submitted concurrently with the application to amend the general plan, specific plan, ordinance, or zoning district designation which constitutes the local coastal program amendment. A processing fee as established by resolution of the city shall accompany the application. (Ord. 84-8 §4, 1984)

18.84.140 Public notice.

A. Notice Recipients. Notice of public hearing for a local coastal program amendment shall be provided a minimum of ten days prior to the hearing before the city council in the following manner:

1. Publication in a newspaper of general circulation within the area or areas

affected by the proposed amendment; publication may be in the form of publication of the scheduled agenda for the hearing body; and

2. A mailed notice shall be sent to:

- a. Any member of the public who has so requested;
- b. Each local government contiguous with the area that is the subject of the LCP amendment;
- c. Local governments, special districts, or port or harbor districts that could be directly affected by or whose development plans should be considered in the LCP amendment;
- d. All of the state and federal agencies listed in Appendix A of the Local Coastal Program Manual;
- e. Local libraries and media; and
- f. Other regional or federal agencies that may have an interest in or be affected by the LCP.

3. If specific parcels are affected by the proposed amendment, notices shall be posted in prominent locations on and in the area of the subject property; and a mailed notice shall be sent to the property owner and all residents within one hundred feet of the perimeter of the subject parcel.

B. Notice Contents. The public notice shall include the following information:

1. A statement that an amendment to the local coastal program is proposed.
2. A description of the proposed amendment.
3. The date, time, place and decision-making body for the scheduled public hearing.
4. The procedure for submitting written or oral comments for the public hearing.

C. Continued Hearings. If a public hearing on a proposed amendment is continued to a time which has not been stated in the public notice or at the public hearing, notice of the continued hearing shall be provided in the same manner as provided in this section. (Ord. 84-8 §5, 1984)

18.84.150 Council action.

A. Approval. The city council shall hold at least one public hearing on a proposed local coastal program amendment following public notice. The city council may

approval the proposed amendment by a resolution which shall include the following:

1. A statement of the reasons for the amendment.
 2. Findings of consistency with the general plan and all components of the local coastal program.
 3. Findings of compliance with the California Environmental Quality Act.
- B. An amendment approved by the city council shall not be effective until certified by the California Coastal Commission.
- C. Denial. Denial of a local coastal program amendment by the city council shall be final except for denial of amendments which would allow public works or energy facility projects applications which may be refiled with the California Coastal Commission pursuant to Public Resources Code Section 30515. (Ord. 84-8 §6, 1984)

18.84.160 Local coastal program amendment certification.

- A. Following approval by the city council, a local coastal program amendment shall be submitted to the California Coastal Commission accompanied by a full administrative record of the city council hearings including:
1. A copy of the approved amendment including policies, maps, ordinances, etc., as adopted.
 2. A copy of the public notice with a list of all persons and entities noticed.
 3. Supporting documents including reports, maps, exhibits, environmental documents, minutes, and supplemental data and hearing submittals. Such material shall include copies or summaries of significant public comments and local government's response, a discussion of the proposed amendment's relationship to and effect on the other sections of the certified LCP, and an indication of any zoning measures to be used to carry out the amendment.
 4. A copy of the adopting resolution including statements and findings supporting the amendment.
- B. Amendments shall not be submitted to the California Coastal Commission more often than three times in a calendar year; each submittal, however, may contain several different program changes.
- C. An amendment approved by the coastal commission will require formal city council adoption after commission approval. (Ord. 84-8 §7, 1984)

Chapter 18.86

TIME SHARE PROJECTS*

Sections:

- 18.86.010 Definitions.**
- 18.86.020 Limited to certain district.**
- 18.86.030 Coastal development permit required.**
- 18.86.040 Time limitation.**
- 18.86.050 Information and documentation.**
- 18.86.060 Transient lodging tax.**
- 18.86.070 Additional information.**

18.86.010 Definitions. As used in this chapter:

- A. "Developer" means, in the case of any given property, any person or entity which is in the business of creating or which is in the business of selling its own time share intervals in any time share project.
- B. "Development, "project," or "property" means all of the real property subject to a project instrument.
- C. "Person" means one or more natural persons, corporations, partnerships, associations, trusts, other entities or any combination thereof.
- D. "Project instrument" means one or more recordable documents applicable to the whole project by whatever name denominated, containing restrictions or covenants regulating the use, occupancy or disposition of an entire project, including any amendments to the documents, but excluding any law, ordinance or governmental regulation.
- E. "Purchaser" means any person other than a developer or lender who acquires an interest in a time share interval.
- F. "Time share estate" is a right of occupancy in a time share project which is coupled with an estate in the real property.
- G. "Time share instrument" means any document by whatever name denominated, creating or regulating time share projects, but, excluding any law, ordinance or governmental regulation.

H. "Time share interval" means a time share estate or a time share use.

I. "Time share project" or "time sharing project" is one in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided.

J. "Time share use" is a license, contractual or membership right of occupancy in a time share project which is not coupled with an estate in the real property.

K. "Unit" means each portion of the real property or real property improvement in a project which is divided into time share intervals. (Ord. 83-8 §1, 1983)

18.86.020 Limited to certain district. Time sharing projects are prohibited in all districts of the city other than designated coastal zone visitor serving residential districts. (Ord. 83-8 §2, 1983)

18.86.030 Coastal development permit required. A. Time sharing projects shall be allowed only if a coastal development permit is issued by the city council. The city council may enact reasonable standards and guidelines concerning the issuance of such permits, in addition to those standards and guidelines hereinafter set forth, which may be amended from time to time. Such standards and guidelines include, but are not necessarily limited to, those set forth in Sand City's local coastal program and local coastal land use and implementation plans, and may include any information submitted to the department of real estate, and other appropriate information on the property which may be reasonably required due to its proposed use as a time sharing project.

B. In addition, the city council, in determining whether, and under what conditions to issue any such permit, among other things may consider the impact of the time sharing project on present and future city services, the desirability of requiring that an office of the developer be located locally or on-site as appropriate, and whether the project will have a significant adverse impact on the health, safety and welfare of the general public. (Ord. 83-8 §3, 1983)

18.86.040 Time limitation. No time sharing project shall be allowed unless the units are made available for sale in maximum increments of thirty-one days and any one purchaser's occupancy of a particular unit is limited to a maximum of thirty-one consecutive days. (Ord. 83-8 §4, 1983)

18.86.050 Information and documentation. The applicant shall provide the city council with at least the following information as part of their application for a

coastal development permit:

- A. The legal description, street address, or other description sufficient to identify the time share estate property.
- B. Identification of time share intervals by name, street address, time periods, type of units, or combination thereof, identification of the units that are in the time sharing project and the length of time that each of the units are committed to the time sharing project, and the method whereby additional time share intervals may be created, deleted, or substituted.
- C. The formula, fraction or percentage of the common expenses and any voting rights assigned to each time share interval and, where applicable, to each unit in a project that is not subject to the time share project.
- D. Any restrictions on the use, occupancy, alteration or alienation of time share intervals, including identification of the deed restrictions or contractual restrictions to be contained in the project instrument and to be enforceable against all present and future time share unit purchasers.
- E. A completed coastal development permit application with any required maps and studies.
- F. A copy of any material submitted to the department of real estate for certification.
- G. A description of the methods proposed to be employed to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the time sharing project.
- H. A description of the method proposed to be employed to guarantee that the city is promptly notified of such things as the identity of the purchasers, the purchase price paid, the portion, unit or interest acquired, and the amounts of any and all maintenance fees, management fees, operations fees or other such fees.
- I. Any other matters the developer or city council deems reasonably necessary to consideration of the time share project application including any required environmental documents. (Ord. 83-8 §5, 1983)

18.86.060 Transient lodging tax.

A. All time sharing projects shall be subject to a transient lodging tax in an amount hereafter specified: An eight-percent transient lodging tax is to be imposed upon the gross receipts from the occupancy of lodging facilities. For purposes of the

applicability of the transient lodging tax to time sharing projects, the "gross receipts" deemed payable on account of time share occupancy by a transient shall be the "rental value" of the unit which accommodated such occupancy, which "rental value" shall be computed by determining the pro rata share of the total purchase price of the time share interval (whether or not involving an estate or any ownership in real property), which share is allocable to the period of transient occupancy currently involved, and adding thereto the total applicable operating costs including, but not limited to, the applicable real and personal property taxes, plus the total amount of any and all fees, assessments, charges and expenses (not including the previously referred to taxes) charged by the operator as attributable to the time share occupancy of the transient by whatever name such fees, assessments, charges or expenses may be denominated, whether "occupying fee," "maintenance or operations charge," "per diem fee," "management fee," or like name or otherwise. In making the computation referred to above of the pro rata share of the total purchase price, in any case wherein the time share right or entitlement is in perpetuity or for life or otherwise not for a definite or ascertainable term, such proration shall be made upon an assumed term of forty years.

B. Each developer shall establish a homeowners association whose responsibility it will be to collect the transient lodging tax and pay such tax moneys to the city treasurer. The amount of tax shall be separately stated from the purchase price or other occupying fee, managing fee, or other such fee charged on all receipts, and each purchaser shall receive a receipt for all such payments from the homeowners association.

C. Each homeowners association shall, on or before the tenth day of each month or at the close of any different reporting period which may be established by the city treasurer, make a return to the city treasurer, of the gross receipts charged, received, or allocable to the period of transient occupancy currently involved, and the amount of tax collected for transient occupancies during the month or other reporting period immediately preceding. At the time the return is filed, the full amount of tax collected shall be remitted to the city treasurer. The city treasurer may establish shorter reporting periods for any homeowners association if the city treasurer deems it necessary in order to insure collection of the tax, and he or she may require further information in the return.

D. It shall be the duty of every homeowners association responsible for the collection and payment to the city of any tax imposed by this chapter to keep and preserve for a period of at least three years, all such records as may be necessary to determine the amount of tax. The city treasurer or his or her nominee shall have the right to inspect such records at any reasonable time and place, which records are to be available for inspection within the city boundaries.

E. Revenue generated from the transient lodging tax shall be of unrestricted use to the city and placed in the city's general fund. (Ord. 83-8 §6, 1983)

18.86.070 Additional information. The city council may impose such additional conditions on its issuance of a time sharing project coastal development permit as it may deem necessary to protect the public's health, safety and welfare, and may request additional information as a condition of project approval. (Ord. 83-8 §7, 1983)

Chapter 18.88

FLOOD PROTECTION

Sections:

18.88.000 Statutory Authorization Findings of Fact, Purpose and Methods.

18.88.010 Definitions.

18.88.020 Enforcement.

18.88.030 Additional responsibilities of the floodplain administrator.

18.88.040 Official map.

18.88.050 Permits.

18.88.060 Development permit application review.

18.88.070 Requirements.

18.88.080 Standards for Subdivisions.

18.88.090 Standards for Manufactured Homes.

18.88.100 Standards for Recreational Vehicles.

18.88.110 New and Replacement Water and Sewer Systems.

18.88.120 Alteration or Relocation of Watercourse - Notification.

18.88.130 Exceptions.

18.88.140 Conflicting Ordinances-Precedence-Amendments.

18.88.000 Statutory authorization, findings of fact, purpose and methods. A. Statutory authorization. Government Code Sections 65302, 65560, and 65800 confer upon local government authority to adopt regulations designed to promote the public health, safety, and general welfare. The City Council of the City of Sand City does hereby adopt the following floodplain management regulations to provide the public health and safety.

B. Purpose.

1. Limited areas of the City are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health,

safety, and general welfare.

2. These potential flood losses may be caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to potential flood loss.

3. It is the purpose of these regulations to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business interruptions;
- e. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- f. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- g. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

4. In order to accomplish its purposes, these regulations include methods and provisions to:

- a. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- b. Require that uses susceptible to flooding, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Control filling, grading, dredging, and other development which may increase

flood damage potential; and

d. Prevent or regulate the construction of flood barriers which could artificially divert floodwaters or which may increase flood hazards in other areas. (Ord. 96-01, 1996)

18.88.010 Definitions. Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage. The following are as they relate to these flood prevention acquisitions.

A. "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

B. "Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

C. "Area of shallow flooding" means an AO or AH Zones designated on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

D. "Area of special flood hazard" - See "Special flood hazard area." (Ord 00-03, 2000)

E. "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Insurance Rate Map (FIRM).

F. "Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this chapter.

G. "Basement" means any area of a building having its floor subgrade -- i.e., below ground level -- on all sides.

H. "Breakaway wall" is any type of wall, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which it is used or any building to which it might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds

per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

I. "Building" - see "Structure".

J. "Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along the coast and any other area subject to high-velocity wave action from storms or seismic sources. It is an area subject to high-velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on the Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE, or V.

K. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

L. "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

M. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by Sand City.

N. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

O. "Flood, flooding, or floodwater" means:

1. A general and temporary condition of partial or complete inundation of normally

dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and

2. The condition resulting from flood-related erosion -- see "Flood-related erosion".

P. "Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

Q. "Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

R. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Sand City. The FIRM map for Sand City is shown as Exhibit A.

S. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

T. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source -- see "Flooding".

U. "Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

V. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

W. "Floodplain management regulations" means the flood protection regulations of Chapter 18.88 of the Municipal Code.

X. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet floodproofing.)

Y. "Flood-related erosion" means the collapse or subsidence of land along the shore as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Z. "Flood-related erosion area" or "Flood-related erosion-prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

AA. "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

BB. "Fraud and victimization" as related to Section 18.88.130, Exceptions, of this chapter, means that the near exception granted must not cause fraud on or victimization, of the public. In examining this requirement, the City of Sand City will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

CC. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

DD. "Governing body" means the City of Sand City which is empowered to adopt and implement regulations to provide for the public health, safety and general welfare.

EE. "Hardship" as related to Section 18.88.130, Exceptions, of this chapter means that exceptional hardship would result from a failure to grant the requested exception. The City of Sand City requires that the exception be unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal

preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

FF. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

GG. "Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U. S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

HH. "Levee" means a person-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

II. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

JJ. "Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area (see "Basement") is not considered a building's lowest floor, provided it conforms to applicable non-elevation design requirements, including, but not limited to: (1) the wet floodproofing standard in Section 18.88.090; (2) the anchoring standards in Section 18.88.090; (3) the construction materials and methods standards in Section

18.88.090; and (4) the standards for utilities in Sections 18.88.090 and 18.88.110. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition.) This prohibition includes below-grade garages and storage areas. (Ord 00-03, 2000)

KK. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

LL. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MM. "Market Value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report by an independent professional appraiser and supported by a written explanation of the differences. (Ord 00-03, 2000)

NN. "Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the Flood Insurance Rate Map (FIRM) are referenced.

OO. "New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations of the city, and includes any subsequent improvements to such structures.

PP. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

QQ. "Market Value" shall be determined by estimating the cost to replace the

structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report by an independent professional appraiser and supported by a written explanation of the differences. (Ord. 00-03, 2000)

RR. "Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, snare or collect debris carried by the flow of water, or is likely to be carried downstream.

SS. "One-hundred year flood" or "100-year flood" -- see "Base flood".

TT. "Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

UU. "Principal structure" means a structure used for the principal use of the property as distinguished from an accessory use.

VV. "Public safety and nuisance" as related to Section 18.88.130, Variances, of this chapter means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community, neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable waterway.

WW. "Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

XX. "Regulatory floodway" means the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

YY. "Remedy a Violation" means to bring a structure or other development into compliance with these regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Methods that impacts may be reduced include protecting a structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

ZZ. "Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

AAA. "Sheet flow area" -- see "Area of shallow flooding".

BBB. "Special flood hazard area (SFHA)" means an area having special flood, or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, E, M, V1-V30, VE or V.

CCC. "Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

DDD. "Structure" means a walled and roofed building that is principally above

ground; this includes a gas or liquid storage tank or a manufactured home.

EEE. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

FFF. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the Sand City code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a historic structure.

GGG. "Violation" the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided. (Ord. 00-03, 2000)

HHH. "V zone" -- see "Coastal high hazard area". (Ord. 00-03, 2000)

III. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or areas within Sand City. (Ord. 00-03, 2000)

JJJ. "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel, wave run-up area or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 00-03, 2000)

18.88.020 Enforcement.

A Designation of floodplain administrator. The Community Development Director is hereby designated to administer, implement, and enforce these regulations by

granting or denying development permits in accordance with these provisions.

The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain Administrator in the enforcement or administration of these regulations.

B. Police Department. The police department of the city is authorized and directed to enforce all the provisions of this chapter. (Ord. 85-6 §1, 1985: Ord. 83-2 §1, 1983)

C. Compliance. No structure shall hereafter be constructed, located, extended, converted, or altered without full compliance with these regulations. Violation of these requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City from taking such lawful action as is necessary to prevent or remedy any such violation.

D. Interpretation. In the interpretation and application of these regulations, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of maximizing flood protection; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

E. Warning and disclaimer of liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the City of Sand City, any officer or employee thereof, the State of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

F. Severability. These regulations and the various parts thereof are hereby declared to be severable. Should any section of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole or any portion thereof, other than the section so declared to be unconstitutional or invalid. (Ord. 96-01, 1996)

18.88.030 Duties and responsibilities of the floodplain administrator. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, those listed in Section 18.88.060. (Ord. 96-01, 1996)

18.88.040 Official map.

A. Lands to which these regulations apply. These regulations shall apply to all areas of special flood hazards within the jurisdiction of the City of Sand City.

B. Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated June 3, 1986 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated June 3, 1986 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of these regulations. This FIS and attendant mapping is the minimum area of applicability of these regulations and may be supplemented by studies for other areas which allow implementation of these regulations and which are recommended to the City Council by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at the City Hall. (Ord. 96-01, 1996; Ord. 85-6 §3, 1985; Ord. 83-2 §3, 1983)

18.88.050 Permits. Establishment of development permit. A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 18.88.040. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and shall include the following information.

A. A site plan, including, but not be limited to:

1. for all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site; and
2. proposed locations of water supply, sanitary sewer, and utilities and
3. if available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map; and
4. if applicable, the location of the regulatory floodway; and (Ord. 00-03, 2000)

B. foundation design detail, including, but not limited to:

1. Proposed elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures; and

2. for a crawl-space foundation, location and total net area of foundation openings as required in this Chapter and FEMA Technical Bulletins 1-93 and 7-93; and

3. for foundations placed on fill, the location and height of fill, and compaction requirements (compacted to 95 percent using the Standard Proctor method); and (Ord. 00-03, 2000)

C. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed, if required in Section 18.88.070 C3 of this chapter and FEMA Technical Bulletin TB3-93; and (Ord. 00-03, 2000)

D. All appropriate certifications listed in Section 18.88.060D of these regulations; and

E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. Application. To obtain a permit, the applicant shall first file an application on a form furnished for that purpose. Every application shall:

1. Identify and describe the work to be covered by the permit for which application is made;

2. Describe the land on which the proposed work is to be performed done by lot, block, tract and house and street address, or similar description that will readily identify and locate the proposed building or work;

3. Indicate the use for which the proposed work is intended;

4. Be accompanied by plans and specifications for proposed construction;

5. Be assigned by the permittee or his authorized agent who may be required to submit evidence to indicate such authority;

6. Within designated flood prone areas, be accompanied by elevations (in relation to mean sea level) of the lowest floor elevation (including basement) or in the case of flood-proofed nonresidential structures, the elevation to which it has been flood-proofed. Documentation or certification of such elevations will be maintained by the city engineer;

7. Give such other information as reasonably may be required by the city engineer. (Ord. 96-01, 1996; Ord. 85-6 §4, 1985; Ord. 83-2 §4, 1983)

18.88.060 Development permit application review. The Planning Department shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by federal or state law. (Ord. 96-01, 1996; Ord. 85-6 §5, 1985; Ord. 83-2 §5, 1983)

A. Application Review. All development permit applications shall be reviewed to determine that:

1. Permit requirements of these regulations have been satisfied;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding; and
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of these regulations, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

B. Review and Use of Any Other Base Flood Data.

1. When base flood elevation data has not been provided in accordance with Section 18.88.040 B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source in order to administer Section 18.88.070. Any such information shall then be submitted to the City for adoption.
2. If no base flood elevation data is available from a federal or state agency or other source, then a base flood elevation shall be obtained using one of two methods from the FEMA publication "Managing Floodplain Development in Approximate Zone A Areas - A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995 in order to administer Section 18.88.070:
 - a. Simplified method: 100 year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and the base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA; or
 - b. Detailed method: 100 year or base flood discharge shall be obtained using the U.S. Army Corps of Engineers' HEC-HMS computer program; and base flood elevation shall be obtained using the U.S. Army Corps of Engineers' HEC-RAS computer program. (Ord. 00-03, 2000)

C. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 18.88.070 C.1 (lowest floor elevations);
2. Certification required by Section 18.88.070 C.2 (elevation or floodproofing of nonresidential structures);
3. Certification required by Sections 18.88.070 C.3 (wet floodproofing standard);
4. Certification of elevation required by Section 18.88.080 B (subdivision standards);
5. Certification required by Section 18.88.120 A.1 (floodway encroachments); and
6. Information required by Section 18.88.120 B.6 (coastal construction standards).

D. Map Determinations. Interpretations as to the exact location of the boundaries of the areas of special flood hazard shall be made by the Floodplain Administrator. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection F, below. (Ord. 00-03, 2000)

E. Remedial Action. Violations of this chapter shall be remedied as specified in Section 18.88.020 C.

F. Appeals. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of these regulations. (Ord. 96-01, 1996)

18.88.070 Requirements. Provisions for flood hazard reduction: Standards of Construction. In all areas of special flood hazards the following standards are required:

A. Anchoring

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All manufactured homes shall meet the anchoring standards of Section

18.88.090.

B. Construction materials and methods. All new construction and substantial improvement shall be constructed:

1. With flood-resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage; (Ord. 00-03, 2000)
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

C. Elevation and floodproofing. (See Section 18.88.010 - Definitions for "basement", lowest floor", "new construction," "substantial damage" and "substantial improvement".) (Ord. 00-03, 2000)

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement:

- a. In all zones, the lowest floor is to be elevated at least one foot above the base flood elevation. (The State of California recommends the lowest floor be elevated at least two feet above the base flood elevation.) (Ord. 00-03, 2000)

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the building inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction shall either be elevated to conform with Section 18.88.070 C.1 or together with attendant utility and sanitary facilities:

- a. Be floodproofed below the elevation recommended under Section 18.88.070 C.1 so that the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered professional engineer or architect that the standards of this section (18.88.070 C.2) are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB 7-93 and must exceed the following minimum criteria: (Ord. 00-03, 2000)

- a. Be certified by a registered professional engineer or architect; or
- b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency; or
- c. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

4. Manufactured homes shall also meet the standards in Section 18.88.090. (Ord. 96-01, 1996)

18.88.080 Standards for subdivisions.

A. All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood. (Ord. 00-03, 2000)

B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the final first floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

C. All subdivision proposals shall be consistent with the need to minimize flood damage.

D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 96-01, 1996; Ord. 85-6 §7, 1985; Ord. 83-2 §7, 1983)

18.88.090 Standards for manufactured homes.

A. All manufactured homes that are placed or substantially improved within Zones

A1-30, AH, and AE on the Flood Insurance Rate Map, on sites located:

1. Outside of a manufactured home park or subdivision,
2. In a new manufactured home park or subdivision,
3. In an expansion to an existing manufactured home park or subdivision, or
4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation (the State of California recommends at least two feet above the base flood elevation) and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement. (Ord. 00-03, 2000)

B. All manufactured homes that are placed or substantially improved on sites located within Zones V1-30, V, and VE on the Flood Insurance Rate Map will meet the requirements of Section 18.88.090 A and Section 18.88.120 B.

C. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zone V1-30 on the Flood Insurance Rate Map that are not subject to the provisions of Section 18.88.090 A will be elevated so that either the:

1. Lowest floor of the manufactured home is at least one foot above the base flood elevation (the State of California recommends at least two feet above the base flood elevation), or (Ord. 00-03, 2000)
2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. (Ord. 96-01, 1996)

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the city building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator. (Ord. 00-03, 2000)

18.88.100 Standards for recreational vehicles.

A. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map must:

1. Be on the site for fewer than 180 consecutive days; and

2. Be fully licensed and ready for highway use -- a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Meet the permit requirements of Section 18.88.050 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 18.88.090 A.

B. Recreation vehicles placed on sites within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 18.88.100 A and Section 18.88.120 B. (Ord. 96-01, 1996)

18.88.110 New and replacement water and sewer systems. Standards For Utilities:

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of floodwaters into the systems; and

2. Discharge from the systems into floodwaters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them, during flooding. (Ord. 96-01, 1996; Ord. 85-6, §10, 1985; Ord. 83-2 §10, 1983)

18.88.120 Alteration or relocation of watercourse--notification. The city will insure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. The city will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the administrator. Moreover, the city will work with appropriate state and federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973. (Ord. 87-07, 1987; Ord. 85-6 §9, 1985; Ord. 83-2 §9, 1983)

A. Floodways. Located within areas of special flood hazard established in Section 18.88.040 B are areas designated as floodways. All such areas are located west of Highway One. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in [the base] flood elevation during the occurrence of the base flood discharge.

2. If Section 18.88.120 A.1 is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 18.88.070 through 18.88.120.

B. Coastal high hazard areas. Within coastal high hazard areas as established under Section 18.88.040 B, the following standards shall apply.

1. All new construction and substantial improvement shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated one foot above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or city building standards.

2. All new construction and other development shall be located on the landward side of the reach of mean high tide.

3. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 18.88.010 of this chapter. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.

4. Fill shall not be used for structural support of buildings.

5. Alteration of sand dunes which would increase potential flood damage is prohibited.

6. The Floodplain Administrator shall obtain and maintain the following records:

a. Certification by a registered engineer or architect that a proposed structure complies with Section 18.88.120 B.1.

b. The elevation (in relation to mean sea level) of the bottom of the lowest

structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

C. Flood-related erosion-prone areas.

1. The Floodplain Administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas as known to the community.

2. Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.

3. If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard..

4. A setback is required for all new development from Monterey Bay to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated 50-year economic life of structures, and depending upon the geologic, hydrologic, and topographic characteristics of the land. The buffer may be used for suitable open space purposes, such as for outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only. (Ord. 96-01, 1996; Ord. 87-07, 1987)

18.88.130 Exceptions.

A. Nature of exceptions. The exception criteria set forth in this section are based on the general principle of zoning law that variances pertain to special property characteristics and are not personal in nature. An exception may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of these regulations would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City of Sand City to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that exceptions from the flood elevation or from other requirements in this chapter are quite rare.

B. " Exception" means a grant of relief from the requirements of this chapter which

permits construction in a manner that would otherwise be prohibited by this chapter.

C. Appeal board.

1. In passing upon requests for exceptions, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:

- a. Danger that materials may be swept onto other lands to the injury of others;
- b. Danger of life and property due to flooding or erosion damage;
- c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
- d. Importance of the services provided by the proposed facility to the community;
- e. Necessity to the facility of a waterfront location, where applicable;
- f. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. Compatibility of the proposed use with existing and anticipated development;
- h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. Safety of access to the property in time of flood for ordinary and emergency vehicles;
- j. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
- k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

2. Any applicant to whom an exception is granted shall be given written notice over the signature of the floodplain administrator that:

- a. The issuance of an exception to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

- b. Such construction below the base flood level increases risks to life and property.
3. The Floodplain Administrator will maintain a record of all exception actions, including justification for their issuance, and report such exceptions issued in its biennial report submitted to the Federal Insurance Administration of the Federal Emergency Management Agency.

C. Conditions for Exceptions.

1. Generally, exceptions may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 18.88.050 through 18.88.120 of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the exception increases.
2. Exceptions may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 18.88.010 of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the exception is the minimum necessary to preserve the historic character and design of the structure.
3. Exceptions shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. Exceptions shall only be issued upon a determination that the exception is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of these regulations. For example, in the case of exceptions to an elevation requirement, this means the City of Sand City need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city believes will both provide relief and preserve the integrity of these regulations.
5. Exceptions shall only be issued upon:
 - a. Showing of good and sufficient cause;
 - b. Determination that failure to grant the exception would result in exceptional "hardship" (as defined in Section 18.88.010 of this chapter) to the applicant; and
 - c. Determination that the granting of an exception will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create a

nuisance (see "public safety or nuisance" as defined in Section 18.88.010), cause fraud or victimization (as defined in Section 18.88.010) of the public, or conflict with existing local laws or ordinances.

6. Exceptions may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Section 18.88.130 C.1 through C.5 are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

7. Upon consideration of the factors of Section 18.88.130 B.3 and the purposes of this chapter, the city may attach such conditions to the granting of exceptions as it deems necessary to further the purposes of this chapter. (Ord. 96-01, 1996; Ord. 87-07, 1987)

18.88.140 Conflicting ordinances--precedence--amendments. The ordinance codified in this chapter shall take precedence over conflicting ordinances or parts of ordinances. The city council may, from time to time, amend the ordinance codified in this chapter to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this chapter are in compliance with the National Flood Insurance Program Regulation as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976. (Ord. 96-01, 1996; Ord. 87-07, 1987; Ord. 85-6 §10, 1985; Ord. 83-2 §10, 1983).

Chapter 18.90

SURFACE MINING AND RECLAMATION*

Sections:

18.90.010 Purpose and intent.

18.90.020 Definitions.

18.90.030 Scope.

18.90.040 Permit--Reclamation plan--Reporting requirements.

18.90.050 Review procedure.

18.90.060 Responsibility for reclamation--Guarantees.

18.90.070 Public records.

18.90.080 Periodic review.

18.90.090 Amendments to reclamation plan.

18.90.100 Variances.

18.90.110 Enforcement.

18.90.010 Purpose and intent.

A. The ordinance codified in this chapter is adopted pursuant to the California Surface Mining and Reclamation Act of 1975, Chapter 9, Public Resources Code.

B. The city council finds and declares that the extraction of minerals is essential to the continued economic well-being of the city and to the needs of the society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

C. The city council further finds that the reclamation of mined lands as provided in this chapter will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

D. The city council further finds that surface mining takes place in diverse areas where the geologic, topographic, biological and social conditions may be significantly different and that reclamation operations and the specifications therefor may vary accordingly.

E. The council further finds that the sand found within the city is unique and suitable for a coastal dependent industry. (Ord. 84-3 §011, 1984)

18.90.020 Definitions. For the purpose of this chapter, the following words shall have the following meanings:

A. "Coastal permit" means a permit for any development within the coastal zone as set forth in Title 18 of this code.

B. Expanded Surf Zone Mining. "Expansion of existing surf zone mining operations" means a significant increase in dragline capacity through multiple draglines, larger buckets or change in dragline location.

C. "Exploration" or "prospecting" means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.

D. "Local coastal program" means the adopted Local Coastal Land Use and Implementation Plan for the city as certified by the California Coastal Commission.

E. "Mined lands" means and includes the surface, subsurface and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment,

machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

F. "Minerals" means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat and bituminous rock, but excluding geothermal resources, natural gas and petroleum.

G. "Mining waste" means and includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools or other materials or property directly resulting from, or displaced by, surface mining operation.

H. "Operator" means any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf.

I. "Overburden" means soil, rock, or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal, by surface mining operations.

J. "Permit" means any formal authorization from, or approved by, the city, the absence of which would preclude surface mining operations.

K. "Person" means any individual, firm, association, corporation, organization or partnership, or any city, county, district, or the state or any department or agency thereof.

L. "Reclamation" means the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.

M. "State Board" means the State Mining and Geology Board, in the Department of Conservation, state of California.

N. "State Geologist" means the individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code.

O. "Stockpiled sand" means existing and proposed stockpiled areas of harvested, processed sand whose removal will not impact a natural dune formation, and is located in areas designated for such sand on a map approved by the city consistent with Local Coastal Land Use Plan policies.

P. "Surface mining operations" means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

1. In-place distillation, retorting or leaching;
2. The production and disposal of mining waste;
3. Prospecting and exploratory activities. (Ord. 84-3 §012, 1984)

18.90.030 Scope.

A. The provisions of this chapter shall apply to the incorporated areas of the city.

B. The provisions of this chapter are not applicable to:

1. Excavations or grading conducted for on-site construction or for the purpose of restoring land following a natural disaster;
2. Prospecting and exploration for minerals of commercial value where less than one thousand cubic yards of overburden is removed in any one location of one acre or less;
3. Road clearing and removal of stockpile sand;
4. Any surface mining operation that does not involve either the removal of a total of more than one thousand cubic yards of minerals, ores and overburden, or involve more than one acre in any one location;
5. Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose;
6. Such other mining operations that the city determines to be of an infrequent nature, and which involve only minor surface disturbances and are categorically identified (no such identification made as of the effective date of the regulations codified in this chapter) by the State Board pursuant to Section 2714(d) and 2758(c), California Surface Mining and Reclamation Act of 1975. (Ord. 84-3 §013, 1984)

18.90.040 Permit--Reclamation plan--Reporting requirements.

A. Any person, except as provided in Section 2776, California Surface Mining and

Reclamation Act of 1975, who proposes to engage in surface mining operations as defined in this chapter shall, prior to the commencement of such operations, obtain:

1. A permit to mine; and
2. Approval of a reclamation plan, in accordance with the provisions set forth in this chapter and as further provided in Article 5, California Surface Mining and Reclamation Act of 1975.

A fee as established for the permitted uses in the city fee ordinance, shall be paid to the city at City Hall at the time of filing.

All applications for a reclamation plan for surface mining operations shall be made on forms provided at Sand City City Hall and as called for by Section 2772 of California Surface Mining and Reclamation Act of 1975.

B. No person who has obtained a vested right to conduct a surface mining operation prior to January 1, 1976, shall be required to secure a permit pursuant to the provisions of this chapter as long as such vested right continues; provided, that no substantial change is made in that operation except in accordance with the provisions of this chapter. A person shall be deemed to have such vested rights if, prior to January 1, 1976, he has in good faith and in reliance upon a permit or other authorization, if such permit or other authorization was required, diligently commenced and continued surface mining operations.

A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall submit to the City Hall and receive within a period of two years or a time period as determined by the planning director, approval of a reclamation plan for operations to be conducted after January 1, 1976, unless a reclamation plan was approved by the city prior to January 1, 1976, and the person submitting that plan has accepted responsibility for reclaiming the mined lands in accordance with that plan. Nothing in this chapter shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to, but not after, January 1, 1976.

- C. The State Geologist shall be notified of the filing of all permit applications.
- D. This chapter shall be continuously reviewed and revised, as necessary, in order to ensure that it is in accordance with the state policy for mined lands reclamation.
- E. New surf zone mining or expansion of existing surf zone sand mining shall be allowed only pursuant to approval of a coastal permit, mining permit and a reclamation plan.
- F. The city shall also establish a method of monitoring shoreline erosion along the

city coast for the purpose of analyzing future mining proposals. This method shall consist of the submission by sand mining operations, on an annual basis, of meaningful information on shoreline retreat by way of a benchmark program or other equally effective measurement. In order to establish reference base data for the purpose of monitoring shoreline erosion it is required that all operators of existing mining operations submit to the planning department a brief written statement specifying the approximate annual volume of sand being removed and a topographic map, at a scale of one inch equals one hundred feet, with two-foot contour intervals. All elevations on said map shall be based on city data. Said maps may also be prepared by a licensed surveyor or civil engineer. All areas being mined shall be clearly and accurately outlined on said topographic map. The information specified above shall be certified for accuracy and be submitted by the operator to the city.

1. **Initial Submittal.** Initial submittal of the reference base data shall be completed by existing operators within six months from the effective date of the ordinance codified in this chapter.

2. **Subsequent Resubmittal.** Updated reference base data shall be resubmitted to the planning department by January 1, 1985, and every January 1st thereafter.

3. **New Mining Operations.** New mining operations will be required to submit reference base data concurrent with the application for a mining permit and reclamation plan approval and shall also be required to resubmit updated reference base data every January 1st thereafter.

G. Development of dune management programs shall be required as part of reclamation plans. (Ord. 84-3 §014, 1984)

18.90.050 Review procedure. The city council shall review the permit application and the reclamation plan and shall schedule a public hearing within thirty days of the filing of both the permit application and the reclamation plan. Such public hearing shall be held by the council for the purpose of consideration of the issuance of a permit for the proposed surface mining operation.

The city council retains the right subsequent to mining permit review and/or reclamation plan review to modify the terms of any mining permit and/or reclamation plan to assure continuing compliance with the local coastal program. Furthermore, the city council may consider and approve modifications of any mining permits and/or reclamation plans so long as it finds that any such modification is in compliance with the local coastal program and any approved reclamation plan.

The city shall not approve or renew a coastal permit for new or expanded surf zone sand mining if it finds that such new or expanded sand mining, either individually or cumulatively, will have significant adverse impacts on shoreline erosion. Such

determination shall be made upon consideration of the results of the continuing shoreline erosion monitoring program, available evidence on the impact of surf zone sand mining on coastal erosion, and other relevant social, economic, environmental and technological factors. (Ord. 84-3 §015, 1984)

18.90.060 Responsibility for reclamation--Guarantees. The reclamation plan shall state that the operator, applicant, and permittee guarantee and accept responsibility for all reclamation work for the life of the surface mining operation and for a period of two years after completion of such operation or such greater period as may be determined necessary to assure the permanence of physical reclamation features. (Ord. 84-3 §016, 1984)

18.90.070 Public records. Reclamation plans, reports, applications and other documents submitted pursuant to this chapter are public records unless it can be demonstrated to the satisfaction of the city that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The city shall identify such proprietary information as a separate part of each application. A copy of all permits, reclamation plans, reports, applications, and other documents submitted pursuant to this chapter, including proprietary information, shall be furnished to the district geologist of the State Division of Mines and Geology by the city. Proprietary information shall be made available to persons other than the State Geologist only when authorized by the mine operator and by the mine owner in accordance with Section 2778, California Surface Mining and Reclamation Act of 1975. (Ord. 84-3 §017, 1984)

18.90.080 Periodic review. As a condition of approval for the permit or the reclamation plan, or both, a schedule for periodic inspections of the site shall be established to evaluate continuing compliance with the permit and the reclamation plan and the city's local coastal program. (Ord. 84-3 §018, 1984)

18.90.090 Amendments to reclamation plan. Amendments to an approved reclamation plan may be submitted to the city at any time, detailing proposed changes from the original plan. Substantial deviations from the original plan shall not be undertaken until such amendment has been filed with, and approved by, the city. (Ord. 84-3 5019, 1984)

18.90.100 Variances. Variances from an approved reclamation plan may be allowed upon request of the operator and applicant, and upon a finding by the city council that each requested variance is necessary to achieve the prescribed or higher post-mining use of the reclaimed land and is consistent with the city local coastal program if property is located within the coastal zone. (Ord. 84-3 §020, 1984)

18.90.110 Enforcement. The provisions of this chapter shall be enforced by the city

council or such other persons as may be designated by the city council. (Ord. 84-3 §021, 1984)

Chapter 18.92

TEMPORARY USE PERMITS

Sections:

18.92.010 Authorization.

18.92.020 Issuance approval.

18.92.030 Expiration.

18.92.040 Relevance in consideration of formal permit.

18.92.050 Application.

18.92.060 Fee.

18.92.070 Suspension or revocation.

18.92.010 Authorization. The city clerk of the city of Sand City is authorized to issue temporary use permits for periods of time not to exceed sixty days, which temporary use permits are necessary to carry out the purposes of this chapter. (Ord. 83-7 S1, 1983)

18.92.020 Issuance approval. Such temporary use permits shall be issued only to applicants who have recently acquired a business or property and whose temporary use permit application requests approval to use the property in generally the same manner as the property was previously used, which use was previously approved by the city council for that property. The city clerk shall deny an application for a temporary use permit if in his or her judgment its issuance would not comply with the purposes of this chapter. (Ord. 83-7 52, 1983)

18.92.030 Expiration. All temporary use permits are to expire within sixty days of their issuance or upon consideration by the city council of the applicant's use permit application, whichever occurs sooner. (Ord. 83-7 §3, 1983)

18.92.040 Relevance in consideration of formal permit. The issuance by the city clerk of a temporary use permit is only a convenience to the applicant and has no bearing whatsoever on the city council's consideration of the applicant's formal use permit application. (Ord. 83-7 §4, 1983)

18.92.050 Application. Any person desiring a temporary use permit shall submit a written application therefor to the city clerk, in such form as the city clerk may prescribe, setting forth such information as he or she may reasonably require to

secure the purposes of this chapter. (Ord. 83-7 §5, 1983)

18.92.060 Fee. Any person desiring a temporary use permit shall pay a nonrefundable fee of fifty dollars for the temporary use permit prior to receiving the temporary use permit, which fee shall not be applied toward or offset against any other fees or taxes charged by the city. (Ord. 83-7 §6, 1983)

18.92.070 Suspension or revocation. The city clerk may suspend or revoke any temporary use permit issued pursuant to this chapter if he or she discovers that the applicant is using the subject property for purposes other than those recited in applicant's temporary use permit application or that the applicant has misrepresented any material fact in the application. (Ord. 83-7 §7, 1983)

Chapter 18.94

ASSEMBLAGES OF ONE HUNDRED PEOPLE OR MORE SPECIAL PERMIT REQUIRED

Sections:

18.94.010 Findings.

18.94.020 Terms defined.

18.94.030 Permit requirements.

18.94.040 Enforcement.

18.94.010 Findings. The city council of Sand City, state of California, has adopted a zoning ordinance under the provisions of which precise zoning regulations may be applied to any area within the boundaries of the city. The city council finds:

A. That the existing zoning ordinance as amended does not provide a comprehensive scheme under which use permits may be granted for activities involving the assemblage within the boundaries of the city of large numbers of persons.

B. That zoning studies are being conducted by the city council concerning the use of land and structures thereon for activities involving the assemblage of large numbers of persons.

C. That the uses hereinafter prohibited may be in conflict with the contemplated zoning proposals which the city council are considering.

D. That the assembling of large numbers of people creates problems seriously affecting the public safety, health and welfare.

E. That due to the necessity for detailed and careful study of regulations governing activities involving the assemblage of large numbers of people considerable time necessarily will elapse before the adoption of such regulations and plan.

F. That due to mandatory notices and public hearings necessary for the adoption of precise regulations considerable time will elapse before such adoption.

G. That the regulations set out in this chapter are of an interim or urgency nature and are necessary to be adopted at this time in order to protect the public safety, health and welfare. (Ord. 70-66 §1, 1970)

18.94.020 Terms defined. As used in this chapter, unless otherwise apparent from the context, words used in the present tense include the future as well as the present, words in the masculine gender include the feminine and neuter and the singular number includes the plural, and the plural the singular. (Ord. 70-66 §2, 1970)

18.94.030 Permit requirements. A. No person, firm or corporation shall hereafter, within the boundaries of the city, use or conspire to use any land or erect, construct, or use or conspire to erect, construct or use, any building, structure or enclosure for any activity involving the assemblage, at any one time of more than one hundred people, including but not limited to concerts, circuses, carnivals, festivals and races, unless and until a special permit therefor shall have been first secured.

B. Application for such special permit shall be made to the city council and such council shall have the power to hear and decide applications for, and to issue or deny special permits.

C. In order to grant any special permit, the findings of the city council shall be that the establishment, maintenance or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the area affected by such proposed use or be detrimental or injurious to property and improvements in the area affected by such proposed use or to the general welfare of the city. In this regard, the city council shall require a showing to be made on the part of the applicant as follows:

1. That through the sale of tickets or other means, the approximate size of the assemblage can be estimated with reasonable certainty so that the adequacy of measures to insure the public safety, health, and welfare, can be determined.
 2. That adequate bathroom facilities will be provided in accordance with recommendations of the Monterey County Health Department.
 3. That adequate provision has been made for the supplying of potable water in accordance with the recommendations of the Monterey County Health Department.
 4. That adequate parking space will be available allowing adequate access to the scheduled activity.
 5. That adequate provision has been made for the collection and disposal of all waste material resulting from the scheduled activity.
 6. That adequate provision has been made for cleaning up after the scheduled activity and for restoring the area to its previous condition.
 7. That the serving of any food or beverage in connection with the scheduled activity is in accordance with the recommendations of the Monterey County Health Department.
 8. That provision has been made for adequate law enforcement of the scheduled activity when it appears that due to the number of persons in attendance, the resources of the Sand City police department may be insufficient to provide proper police protection.
 9. That adequate provision has been made to insure the protection of any plant and animal life within the boundaries of the city that might be endangered by the sudden influx of large numbers of persons.
 10. That adequate provision has been made to insure the protection and preservation of any private property within the boundaries of the city that might be endangered by the sudden influx of large numbers of persons.
- D. The city council may designate such conditions in connection with the special permit as it deems necessary to secure the purposes of this chapter. The city council may also require such bond and guarantees be obtained by the applicant or by the owner of any property used in connection with the uses specified herein as it deems appropriate to assure the compliance with the conditions. (Ord. 70-66 53, 1970)

18.94.040 Enforcement.

A. It shall be the duty of all officers and employees of the city charged by law with the enforcement of ordinances of the county to enforce all of the provisions of this chapter. Any person, firm or corporation, whether as principal agent, employee or other wise violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a term not exceeding six months or by both such fine and imprisonment. Such persons, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed by such person, firm or corporation and shall be punishable as herein provided.

B. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this chapter, and any land, building or premises established, conducted, operated, used or maintained contrary to the provisions of this chapter shall be, and the same is declared to be unlawful and a public nuisance and the city attorney shall, upon order of the city council, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law. The remedies provided for herein shall be cumulative and not exclusive. (Ord. 70-66 §4, 1970)

Chapter 18.96

TRIP REDUCTION ORDINANCE

Sections:

18.96.010	Definitions.
18.96.020	Employer Voluntary Trip Reduction Program
18.96.030	Facilities-Oriented Element.
18.96.040	Purpose.
18.96.050	Applicability.
18.96.060	Compliance.
18.96.070	Responsibilities of Residential Developer and Developments.
18.96.080	Responsibilities of Tourist-Oriented Developers and Developments.
18.96.090	Provisions for Commercial Developers and Developments.
18.96.100	Implementation Schedule.
18.96.110	Reporting of Jurisdictions.
18.96.120	Enforcement and Penalties.
18.96.130	Administrative Appeals.
18.96.140	Severability.
18.96.150	Resources for Implementation.

18.96.160 Transportation Demand Management Techniques (TDM).
18.96.170 Average Vehicle Ridership Methodology.

18.96.010 Definitions. For the purpose of this Trip Reduction Ordinance (hereafter referred to as "TRO"), the following words and phrases are defined and explained:

1. "Alternative Transportation Modes means any mode of travel that serves as an alternative to the single occupant vehicle. This can include all forms of ridesharing such as carpooling or vanpooling, public transit, bicycling, walking or alternative methods such as telecommuting.

2. "Applicable Development" means any new development that is determined to meet or exceed the 50 employee threshold or any existing development that applies to increase its floor areas by 25,000 gross square feet. Applicable Developments include complexes exceeding the 50 employee threshold and residential developments with 25 or more units. To determine the number of employees, the chart below is used. For purposes of determining whether a new or expanding employer is subject to this ordinance, the total employment figure will be determined by the jurisdiction as follows:

- a. Employment projections developed by the project applicant, subject to approval by the TRO Program Manager; or
- b. Employment projections provided to sewer and water agencies in connection with the new or expanded use; or
- c. The following employee generation factors by type of use:

<u>Category</u>	<u>No. of Employees</u>
Commercial (Regional, Community or Neighborhood)	1/500 gross square feet
Office/Professional	1/250 gross square feet
Industrial	1/525 gross square feet
Hotel/Motel room	.8 per room
Mixed Use	Sum of individual figures for each use
Restaurant	1 per 10 seats

Hospital/Other Medical 1 per 4 beds

(Locally generated using springtime [May-Sept.] figures may be substituted once collected and approved by TAMC.)

3. "Average Vehicle Ridership" (AVR) means the figure derived by dividing the number of employees (including those telecommuting) at a regulated work site who commute to and from work between 6:00 AM to 10:00 AM Monday through Friday, by the number of vehicles driven by these employees between home and the work site over that five-day period. The methodology for calculating AVR is contained in Appendix 2.

4. "Buspool" means a heavy duty vehicle occupied by at least 16 passengers and the routing/scheduling for which is arranged between employer(s) and transit operators.

5. "Carpool" is a light duty motor vehicle occupied by at least two (2) but not more than six (6) employees traveling together.

6. "Commercial Developer" means a developer of a commercial project that falls under the definition of "applicable development" above.

7. "Complex" means any business park, shopping center, or mixed use development in separate or common ownership, which can be identified by two or more of the following characteristics:

- a. It is known by a common name given to the project by its developer.
- b. It is governed by a common set of covenants, conditions, and restrictions.
- c. It was approved, or is to be approved as an entity by Sand City.
- d. It is covered by a single tentative or final subdivision map or has been represented to Sand City as a single site and development.
- e. It is located on a single assessor's parcel.

At the discretion of Sand City, a complex may also include the Central Business district and/or strip commercial areas.

8. "Congestion Management Program" (CMP) is the county-wide program developed in accordance with California Government Code Sections 65088 et seq., requiring local jurisdictions and Congestion Management Agencies to adopt and implement a trip reduction and travel demand element. The CMP law also requires

designation of a CMP principal arterial network, a transit network, a land use impact analysis program, a Deficiency Plan and Level of Service monitoring system, and a seven year capital improvement program.

9. "Developer" means the individual or company who is responsible for the planning, design, and/or construction of an applicable development project. The developer is the individual who signs all permit applications on behalf of the property owner.

10. "Facility(ies)" means the total of all buildings, structures and grounds that encompass a development site, at either single or multiple locations, that comprise or are associated with an applicable development project.

11. "Indirect Source Review Program" means the program included in the 1991 Air Quality Management Plan for North Central Coast Air Basin to reduce emissions from indirect sources (land uses which generate vehicle trips).

12. "Mixed-Use Development" means any development projects that combine residential with any one of these land uses; day care, office, commercial, light industrial, retail, and business park.

13. "Monterey Bay Unified Air Pollution Control District" (MBUAPCD) is the regional governmental body responsible for the development and enforcement of regulations for control of air pollution within the Counties of Monterey, Santa Cruz and San Benito.

14. "Park-and-Ride Lot" means a parking lot located near residential communities or along highways which is served by a transit route or can be used by commuters as a staging area for carpool formation or for catching a bus. (A Park-and-Ride lot may also be used by visitors as a staging area for tourist shuttle buses.) Parking is free for commuters or visitors using a park-and-ride lot.

15. "Parking Cash Out Program" means an employer funded, tax deductible program where employers provide a cash allowance to an employee equivalent to the parking subsidy the employer would otherwise provide. Cities and counties are required to grant appropriate parking requirement reductions for developments that implement parking cash out programs.

16. "Parking Management" means comprehensive management of the location, cost and availability of parking to effect changes in travel behavior, trips generated, and mode used. Parking management can involve:

- ◆ charging for employee parking,

- ◆ providing an employee transportation monetary allowance for use in paying for a bus pass or other alternative commute mode,

- ◆ or charging for a parking space.

Parking Management can also mean:

- ◆ offering preferential, priority or reserved free parking for those employees who use alternative modes, or;

- ◆ changing time limits for parking lot or street parking to reduce employee parkers.

17. "Residential Developer" shall mean an individual, group or designee responsible for the development of single family or multiple family housing units in which twenty-five (25) or more housing units will be constructed as a part of a single application.

18. "Site Development Plan/Permit" means a precise plan of development that may be subject to public hearing before the Planning Commission, or that may or may not be subject to a discretionary permit.

19. "Special Event" means a seasonal, recurring activity or a singular event which attracts both residents and non-residents to a facility for recreational or other activities.

20. "Telecommuting" means a method of conducting work without leaving one's residence and thereby eliminating the commute round trip.

21. "Tourist Oriented Development" means a development that will attract visitors or non-residents to the jurisdictions within Monterey County.

22. "Transportation Demand Management" (TDM) means the implementation of programs, plans, pricing, or policies designated to encourage changes in individual travel behavior. TDM can include pricing to effect travel mode change; an emphasis on alternative travel modes to the single occupant vehicle (SOV) such as carpools, vanpools and transit; reduction or elimination of vehicle trips, or shifts in the time of vehicle commutes to other than the peak period. A listing of TDM techniques is included as the Appendix 1.

23. "Transportation Management Association" means a group of employers or other uses joining together in a formal association with the intent to reduce trips.

24. "Trip Reduction" means reducing the number of trips made in single occupant vehicles.

25. "Trip Reduction Checklist" is the mechanism to be used by development to outline TDM measures they will implement to reduce trips.

26. "Vanpool" means seven or more persons traveling to work in one vehicle.

27. "Vehicle Trip" means a point to point journey or trip in one direction utilizing a motorized vehicle. For example, an employed mother driving a car and dropping off two children at two daycare facilities and then going to an instant cash facility on the way to her job, makes a total of four vehicle trips. (Ord. 96-03 §2, 1996); Ord. 94-01, 1994)

18.96.020 Employer Voluntary Trip Reduction Program. The Transportation Agency of Monterey County (as directed on January 27, 1993), in cooperation with Sand City, AMBAG, MST, and the private sector, will implement a two year voluntary Trip Reduction Demonstration Program focused on areas experiencing traffic congestion, LOS deficiencies, and/or parking congestion. The Employer Trip Reduction Demonstration Program was begun by TAMC on July 1, 1993. The effectiveness of the demonstration program will be evaluated by TAMC and summarized at the end of the two year program. Program evaluations will also be performed by TAMC as specific programs are implemented so that programs can be fine-tuned as needed. (Ord. 96-03 §2, 1996) Ord. 94-01, 1994)

18.96.030 Facilities-Oriented Element. The purpose of this section is to outline the requirements for the Facilities-oriented element of the Sand City Trip Reduction Ordinance. It includes one set of definitions and residential and tourist/ commercial land use considerations for assisting in achieving the overall goals of 1.3 percent per year trip reduction, 1.35 Average Vehicle Ridership, or 60 percent Drive Alone Rate. (Ord. 96-03 §2, 1996; Ord. 94-01, 1994)

18.96.040 Purpose. The purpose of the facilities-oriented element is to insure that facilities such as new development, redevelopment, and expansion of existing development in Sand City contains the needed infrastructure and programs to both reduce the need to travel in the first place, and encourage alternative mode usage in the second place. "Trip" as used herein refers to all trip purposes. (Ord. 96-03 §2, 1996; Ord. 94-01, 1994)

18.96.050 Applicability. This ordinance shall apply to all residential developers, commercial developers, or tourist- oriented facility developers proposing and all applicable developments. (Ord. 96-02 §2, 1996; Ord. 94-01, 1994)

18.96.060 Compliance.

A. Compliance shall be ascertained by: The jurisdiction reviewing residential

development proposals and applying the ordinance and insuring/enforcing its implementation. TAMC shall occasionally audit the Trip Reduction Checklist elements that are implemented as part of new developments, and determine whether Trip Reduction techniques are incorporated into the Zoning Ordinance, Subdivision Ordinance, and development standards when Draft TROs are submitted to it for review. Transit operator input shall be sought in this process.

B. In addition, compliance is the responsibility of Sand City as they condition and approve new residential developments. (Ord. 96-03 §2, 1996; Ord. 94-01, 1994)

18.96.070 Responsibilities of Resi-dential Developer and Develop- ments.

A. All developers of applicable new residential developments with 25 or more units must submit a Trip Reduction Checklist as part of the Plan Check process prior to the issuance of a building permit. The Checklist shall identify proposed design elements and facilities that encourage alternative transportation usage by residents of the development.

B. Sand City shall take into consideration the nature and size of the project when reviewing the Trip Reduction Checklist. Sand City will determine the necessary programs as part of the permit approval process. After review of the Trip Reduction Checklist prepared by the developer, Sand City may require, but not be limited to, one or all of the following programs:

1. Provide ridesharing, public transportation and nearby licensed child care facility information to tenants/ buyers as part of move-in materials.
2. Print transit scheduling information on all promotional materials.
3. Install bicycle amenities, such as bicycle racks and bicycle lanes (where appropriate).
4. Provide bus pull-outs, pedestrian access, transit stops, shelters and amenities as part of the site plan, as described in the MST Development Review Guidebook or subsequent publications.
5. Provide locked and secure transportation information centers or kiosks with bus route/schedule information, as part of common areas.
6. Provide pedestrian facilities linking transit stops and common areas.
7. Provide resources for site amenities that reduce vehicular tripmaking.
8. Park-and-ride facilities.

9. On-site child care facilities.
10. Local TSM Improvements defined as shuttle bus services/ bus pools or improved transit service as part of the development.
11. Facilities to encourage Tele-commuting.
12. Trip Generation Fees with proceeds to go toward provision of transit service, Transportation Management Associations, Ridesharing services and other alternative transportation services.
13. Mixed land uses designed to reduce the length and number of vehicle trips.
14. Pedestrian and bicycle system improvements.
15. Transit Oriented Design and/or Pedestrian Oriented Design.
16. Sand City may require other measures to be added to or substituted for any or all of the above. Additional techniques for reducing trips are acceptable. (Ord. 96-3 §2, 1996; Ord. 94-01, 1994)

18.96.080 Responsibilities of Tourist-Oriented Developers and Developments:

- A. All developers of applicable new tourist-oriented developments must submit a Trip Reduction Checklist as part of the Plan Check process prior to the issuance of a building permit or a special event permit. The Checklist shall identify proposed design elements and facilities that encourage alternative transportation usage by visitors to the development.
- B. Sand City shall take into consideration the nature and size of the project when reviewing the Trip Reduction Checklist. Sand City will determine the necessary programs as part of the permit approval process and in consultation with the transit operator. After review of the Trip Reduction Checklist prepared by the tourist-oriented developer or special event promoter, Sand City may require, but not be limited to, one or all of the following programs:
 1. Provide park-and-ride, public transportation shuttles, and associated marketing to special event ticket purchasers as part of the special event promotion or site/business promotion.
 2. Print transit scheduling information on all promotional materials.
 3. Install bicycle amenities, such as bicycle racks and bicycle lanes (where

appropriate), paths or routes, and at internodal connection points.

4. Provide bus pull-outs, pedestrian access, transit stops, shelters and amenities as part of the site plan, as described in the MST Development Review Guidebook or subsequent documents.
5. Provide locked and secure transportation information centers or kiosks with bus route/schedule information, as part of common areas and at intermodal connection points.
6. Provide pedestrian facilities linking transit stops and common areas and at intermodal connection points.
7. Provide resources for site amenities that reduce vehicular tripmaking.
8. Provide park-and-ride facilities.
9. Local TSM Improvements defined as shuttle bus service/ bus pools or improved transit service as part of the development.
10. Trip Generation Fees with pro-ceeds to go toward provision of transit service, Transportation Management Associations, Ridesharing services and other alternative transportation services.
11. Mixed land uses designed to reduce the length and number of vehicle trips.
12. Pedestrian and bicycle system improvements.
13. Provide alternative transportation from the airport, provide airport information displays, contribute to the marketing or fare promotions of transit service and transit passes, provide concierges as sources of tourist transit promotion, rent bicycles to visitors, provide contributions of funds for implementing rail service to the area, provide transit information displays.
14. Education and marketing strategies designed to induce tourists to reduce their vehicular trips.
15. Programs and projects to provide alternatives to automobile transportation into Monterey County.
16. Sand City may require other measures to be added to or substituted for any or all of the above. Additional measures which reduce trips are acceptable. (Ord. 96-03 §2, 1996; Ord. 94-01, 1994)

18.96.090 Provisions for Commercial Developers and Developments:

A. All developers of applicable new commercial developments must submit a Trip Reduction Checklist as part of the Plan Check process prior to the issuance of a building permit. The Checklist shall identify proposed design elements and facilities that encourage the use of alternative transportation.

B. Sand City shall take into consideration the nature and size of the project when reviewing the Trip Reduction Checklist. Sand City will determine the necessary programs as part of the permit approval process and in consultation with the transit operator. After review of the Trip Reduction Checklist prepared by the developer, Sand City may impose Trip Reduction requirements to mitigate the impacts of the proposed development except that any employee trip reduction program to be implemented by an employer shall not be mandatory. Available trip reduction programs include, but are not limited to:

1. Provide ridesharing, public transportation and nearby child care facility information to employees as part of orientation materials.
2. Provide on-site daycare for customers and employees.
3. Provide on-site banking ATMs, restaurants, dry cleaners, grocery, and other typically needed services to reduce the need to travel. Link these uses with convenient and pedestrian oriented paths. Provide transit access that allows bus passengers convenient access to uses with a minimum of walking distance.
4. Site building entrances close to bus stops with access uninterrupted by parking lots, parking aisles, and interior roadways. Place parking at the rear of the development and the transit stop as the front of the development near the main entrance.
5. Print transit information in employee paychecks occasionally. Provide on-site transit information displays.
6. Install bicycle racks and land, paths or routes.
7. Provide bus pull-outs, pedestrian access, transit stops, shelters and amenities as part of the development as described in the MST Development Review Guidebook or subsequent documents.
8. Provide locked and secure alternative mode information kiosks.
9. Offer a parking cash out program for employees.

10. Provide park-and-ride facilities within the development which are not limited to the sites customers or employees.
11. Provide preferential parking for employees who rideshare.
12. Provide local TSM improvements defined as shuttle bus services/bus pools or improved transit service as part of the development.
13. Facilities and policies to encourage telecommuting.
14. Provide pedestrian, bicycle, and transit system improvements.
15. Sand City may require other measures to be added to or substituted for any or all of the above. Additional measures which reduce trips are acceptable. (Ord. 96-03 §2, 1996; Ord. 94-01, 1994)

18.96.100 Implementation Schedule. Sand City shall incorporate measures and amenities into their zoning ordinances, development standards, and subdivision ordinances as appropriate within six months of adopting this ordinance.

The Ordinance will be implemented thereafter through application of the zoning ordinances, development standards, and subdivision ordinances of the jurisdiction. (Ord. 96-03 §2, 1996; Ord. 94-01, 1994)

18.96.110 Reporting of Jurisdictions. As part of the annual conformance process of the Congestion Management Program, Sand City shall provide the TAMC with material and documentation as needed. Compliance shall be ascertained by also reviewing tourist shuttle implementation, special event transportation shuttles and parking programs, park-and-ride lot development, provisions for bicyclists and pedestrians, and other parking, pricing, marketing efforts, and educational strategies to induce reduced trips.

The TAMC staff will from time to time audit the implementation of the Sand City Trip Reduction Program in order to assure that it is being implemented. In addition, feedback from the transit operator(s) will be obtained to ascertain whether the operators needs are being met by the development standards in place. The TAMC will from time to time monitor the effectiveness of various TRO implementation programs and provide reports and information on effectiveness to the jurisdictions and other interested parties.

MBUAPCD: In order to provide the MBUAPCD with information necessary to determine whether Sand City is in compliance with the Indirect Source Review Program Rule, Sand City shall provide the MBUAPCD with all the material and

documentation required. (NOTE: To date no MBUAPCD rule is adopted or proposed. MBUAPCD is cooperating with TAMC and SCCRTC and using the trip reduction programs of these agencies.) (Ord. 96-03 §2, 1996; Ord. 94-01, 1994)

18.96.120 Enforcement and Penal-ties. Enforcement will occur via the jurisdiction implementing its zoning ordinances, subdivision ordinances, and development standards and permit conditions upon project completions and final inspection and insuring compliance with permit conditions thereafter. The jurisdiction issuing the permit enforces the conditions.

A. Violation of this Ordinance.

1. A violation of any of the provisions of this chapter shall be an infraction.
2. Failure to respond to the needs of a transit operator and to incorporate Trip Reduction techniques into new or expanded development is a violation of this ordinance.
3. Failure to submit the Trip Reduction Checklist is a violation of this ordinance.
4. Each day that a provision of this ordinance, or the terms and conditions of any approved Trip Reduction Checklist are violated shall constitute a separate violation.
5. Falsifying information is a violation of this ordinance.
6. Failure to withhold building permits until Trip Reduction techniques are shown on plans is a violation of this ordinance.
7. Failure to withhold certificates of occupancy until Trip Reduction amenities are in place is a violation of this ordinance.
8. Failure to insure that required amenities are available for alternative modes for the life of the development or until the development permit conditions are otherwise amended is a violation of this ordinance.

B. Enforcement.

For purposes of ensuring that the provisions of this chapter are fully adhered to, Sand City shall, following written notice, initiate enforcement action(s) against such party(ies) or designee(s) which may include, but not be limited to, the following:

1. Withhold issuance or renewal of business license.
2. Withhold approval of development permits.

3. Issue stop work order.
4. Initiate proceedings to revoke the site development permit or other discretionary action.
5. Withhold issuance of a Certificate of Occupancy.
6. Withhold final Building Permit sign-off.
7. Withhold consideration of other applications pending from the same developer.

C. Fines.

Violations of this Ordinance shall be punishable under the same methods as violations of the Subdivision Ordinance, Zoning Ordinance, or Development Standards within the jurisdictions.

Revenues received from fines shall be used to support alternative transportation.
(Ord. 96-03 §2, 1996; Ord. 94-01, 1994)

18.96.130 Administrative Appeals. The City Council of Sand City shall serve as an Appeals Board for any dispute arising out of this ordinance.
(Ord. 96-03 §2, 1996; Ord. 94-01, 1994)

18.96.140 Severability. If any subsection, division, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. (Ord. 96-03 §2, 1996; Ord. 94-01, 1994)

18.96.150 Resources for Implementation. Resources for Implementation of this Ordinance include but are not limited to:

AB 2766 Funds
Parking Revenues
Fines Collected
Transit Operator Services
Ridesharing Services
Congestion Management Agency Services
Monterey County TRO Program Manager Services
Planned Training programs for Employee Transportation Coordinators
State Grants for Transportation Management Agency formation Demonstration
Grants (Ord. 96-03 §2, 1996; Ord. 94-01, 1994)

18.96.160 Transportation Demand Management Techniques (TDM). TDM techniques MAY include the following:

1. Ridesharing
 - a. carpool/vanpool matching
 - b. preferential parking for carpools and vanpools
 - c. carpool/vanpool financial subsidies or rewards
 - d. employer-provided vehicles for carpools/vanpools
 - e. employer-sponsored vanpools
 - f. rideshare marketing campaigns
 - g. financial subsidy of vanpool liability insurance
2. Transit
 - a. work site transit ticket sales
 - b. transit ticket financial subsidies
 - c. transit route maps and schedules distributed and displayed on-site at the workplace
 - d. shuttle to transit lines
3. Trip Elimination
 - a. compressed work weeks
 - b. work-at-home programs
 - c. telecommuting
4. Parking Pricing (market-oriented TRO elements)
 - a. establishing fees for employee parking at least as expensive as a monthly bus pass
 - b. elimination of any employer parking financial subsidy
 - c. transition from employer parking financial subsidy to general transportation monetary allowance for all employees
 - d. reduced parking rates for carpools and vanpools
5. Bicycle and Pedestrian
 - a. bicycling financial subsidies or rewards
 - b. financial subsidy to employees for the purchase of bicycles for commute trip use
 - c. bicycle lockers or other secure, weather-protected bicycle parking facilities
 - d. bicycle access to building interior
 - e. bicycle and/or walking route information

f. on-site bicycle registration

6. On-Site Facilities/Services

- a. employee shower facilities and clothes lockers
- b. site modifications that would encourage walking, transit, carpool, vanpool, and bicycle use
- c. one-site services to reduce mid-day vehicle trips, e.g. direct deposit of payroll, cafeteria, Automatic Teller Machines, apparel cleaning, etc.
- d. on-site transportation fair to promote commute alternatives

7. Other

- a. membership in a Transportation Management Association that provides services and incentives
- b. establishment of employee committee to help design, develop, and monitor the trip reduction program
- c. guaranteed ride home program
- d. financial subsidies or rewards for using walking and other non-motorized transportation modes, transit or carpools
- e. shuttles between multiple work site
- f. providing child day care at/near work site
- g. enhanced trip reduction efforts

8. Any additional techniques not listed here which bring about the desired reductions in vehicle trips.

(Ord. 96-03 §2, 1996; Ord. 94-01, 1994)

18.96.170 Average Vehicle Ridership Methodology. The averaging period cannot contain a holiday and shall be for a normal, representative week. AVR for the work site is calculated by dividing the total "employee days" by the total "vehicle trip days" for the survey week. The survey will be done at least annually for the same sample week.

"Employee-Days" are the total number of employees reporting or assigned to a work site during the peak period each work day of the survey week. The following procedures are used in totaling employee-days:

- 1. Employees who telecommute or are off due to a compressed work week schedule are counted as reporting to the work site in calculating the total employee-days.
- 2. The following employees are not included in the employee- days total:
 - a. Employees not working because of vacation, sickness or other time off.

- b. Employees who report to a different work site or an off-site work-related activity.
- c. Disabled employees.

"Vehicle Trip-Days:" The total number of vehicles used by employees in reporting to the work site each work day of the survey week. A vehicle trip-day is based on the means of transportation used for the greatest distance of an employee's home-to-work commute trip. The following numerical values are used in calculating vehicle trip-days:

1. Single occupant vehicle (drive alone) = 1.
2. Employee dropped-off vehicle by another person = 1.
3. Carpool = 1 divided by the number of employees in the carpool, regardless of whether the other employees in the carpool work for the employer or at the worksite.
4. Vanpool = 1 divided by the number of employees in the vanpool, regardless of whether the other employees in the vanpool work for the employer or at the work site.
5. Motorcycle, moped, scooter, or motor bike = 1.
6. The following = 0 vehicle trip-days:
 - a. public transit
 - b. private buspool
 - c. bicycle
 - d. walking and other non-motorized transportation modes
 - e. employees who telecommute (only on the days those employees work at home for the entire day)
 - f. employees who work a compressed work week schedule (only on their compressed day(s) off)
 - g. disabled employee vehicles at all times. (Ord. 96-03 §2, 1996; Ord. 94-01, 1994)

18.96.180 Example of AVR Calculation. Based on 100 employees all commuting to and from work.

Employees reporting to work:

Monday	100
Tuesday	100
Wednesday	100
Thursday	100
Friday	<u>100</u>
TOTAL	500

Number of vehicles driven to work site by these employees:

Monday	77
Tuesday	79
Wednesday	72
Thursday	68
Friday	<u>74</u>
TOTAL	370

AVR is calculating by dividing the number of employees reporting to work by the number of vehicles driven to work:

500 employees

370 vehicle = 1.35 Average Vehicle Ridership

(Ord. 96-03 §2, 1996; Ord. 94-01, 1994)